



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA February 22, 2017

Tom Baker Meeting Room

5:00 p.m.

City-County Office Building

Item No.

Page No.

MINUTES

1. Consider approval of the minutes of the January 25, 2017 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

2. **Lots 14-23, Block 2, Edgewood Village 7th Addition (WH)**
Zoning Change (R5 to R10) | ZC2017-001 1

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny
3. **Lots 1 and 2, Block 1, Hamilton's First Addition (DN)**
Zoning Change (Conditional RM15 to RM15) | ZC2017-0025

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny
4. **Southport Phase II (Klee)**
PUD Amendment | PUDA2017-001 11

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny
5. **Definitions (Section 14-02-03) and Landscaping and Screening (Section 14-03-11) (JW)**
Zoning Ordinance Text Amendment | ZOTA2017-001 23

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny



REGULAR AGENDA

FINAL CONSIDERATION

The following item is a request for final action and forwarding to the City Commission

6. **NDDOT Rights-of-Way (Interstate 94 and US Highway 83) (DN)**
City-Initiated Annexation | ANNX2017-002 37
- Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission

7. **Cottonwood Parkview Addition (JW)** 41
- Annexation | ANNX2017-001
- Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
- Zoning Change (A to R5, Conditional R10, RM10, RM15, RM30, Conditional CA and P) | ZC2016-009
- Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
- Final Plat | FPLT2016-009
- Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
8. **Freedom Ranch Subdivision (WH)** 61
- Final Plat | FPLT2016-011
- Hay Creek Township
- Staff recommendation: continue ☐ approve ☐ continue ☐ table ☐ deny
9. **South Meadows Addition First Replat (WH)** 75
- Minor Subdivision Final Plat | MPLT2017-001
- Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
10. **Auditor's Lot 7 and Auditor's Lot 8B of Auditor's Lot 8 of the SE¼ of Section 1, T138N-R80W/Lincoln Township (JW)** 79
- Zoning Change (A to Conditional MA) | ZC2016-023
- Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
11. **Lots 1-6, Block 5, Rolling Hills Addition (DN)** 87
- Zoning Change (RM30 to P) | ZC2016-025
- Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

OTHER BUSINESS

- 12. Election of Officers**
- 13. AICP Code of Ethics**
- 14. Other**

ADJOURNMENT

- 15. Adjourn.** The next regular meeting date is scheduled for **March 22, 2017.**

Enclosures: Meeting Minutes of January 25, 2017
 Building Permit Activity Month to Date Report for January 2017
 Building Permit Activity Year to Date Report for January 2017
 Building Permit Activity Year End Report for 2016



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

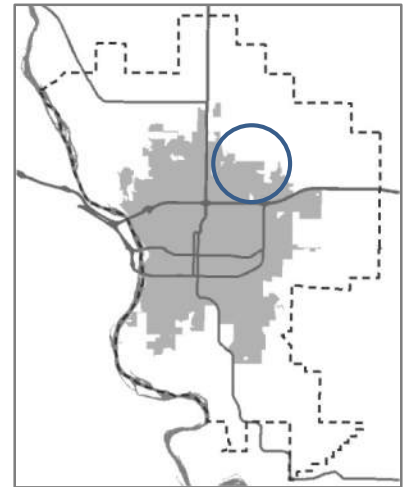
Agenda Item # 2
February 22, 2017

Application for: Zoning Change

TRAKiT Project ID: ZC2017-001

Project Summary

Title:	Lots 14-23, Block 2, Edgewood Village 7th Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Legacy Single Family Lots LLC (owner) J & D Construction, Inc. (applicant)
Project Contact:	Landon Niemiller, Swenson Hagen & Company P.C.
Location:	In northeast Bismarck, between NE 43rd Avenue and E Calgary Avenue along the west side of Nebraska Drive.
Project Size:	3.5 acres
Request:	Rezone property to allow construction of two-family residential dwellings.



Site Information

Existing Conditions

Number of Lots:	10
Land Use:	Undeveloped
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	R5 – Residential
Uses Allowed:	R5 – Single-family residential
Max Density Allowed:	R5 – 5 units / acre

Proposed Conditions

Number of Lots:	16
Land Use:	Residential
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	R10 – Residential
Uses Allowed:	R10 – Single and two-family residential
Max Density Allowed:	R10 – 10 units / acre

Property History

Zoned:	03/2013	Platted:	03/2013	Annexed:	03/2013
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Staff Analysis

The applicant is requesting to rezone property from the R5 – Residential zoning district to the R10-Residential zoning district. The rezoning would allow for the

construction of two-family residential dwellings on urban lots. The applicant has indicated that a different minor subdivision final plat will be submitted this month, and this plat would be considered in conjunction with the public hearing for this zoning change request.

(continued)

Adjacent land uses are the newly-constructed Legacy High School to the east, across Nebraska Drive; single family residential uses to the north, and west; and a child care center to the south, across Knudsen Loop.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed portion of the community and is outside of the area covered by the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district on Lots 14-23, Block 2, Edgewood Village 7th Addition.

Attachments

1. Location Map
2. Zoning Map

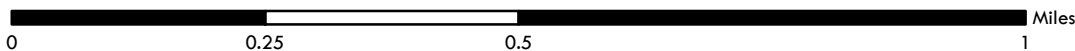
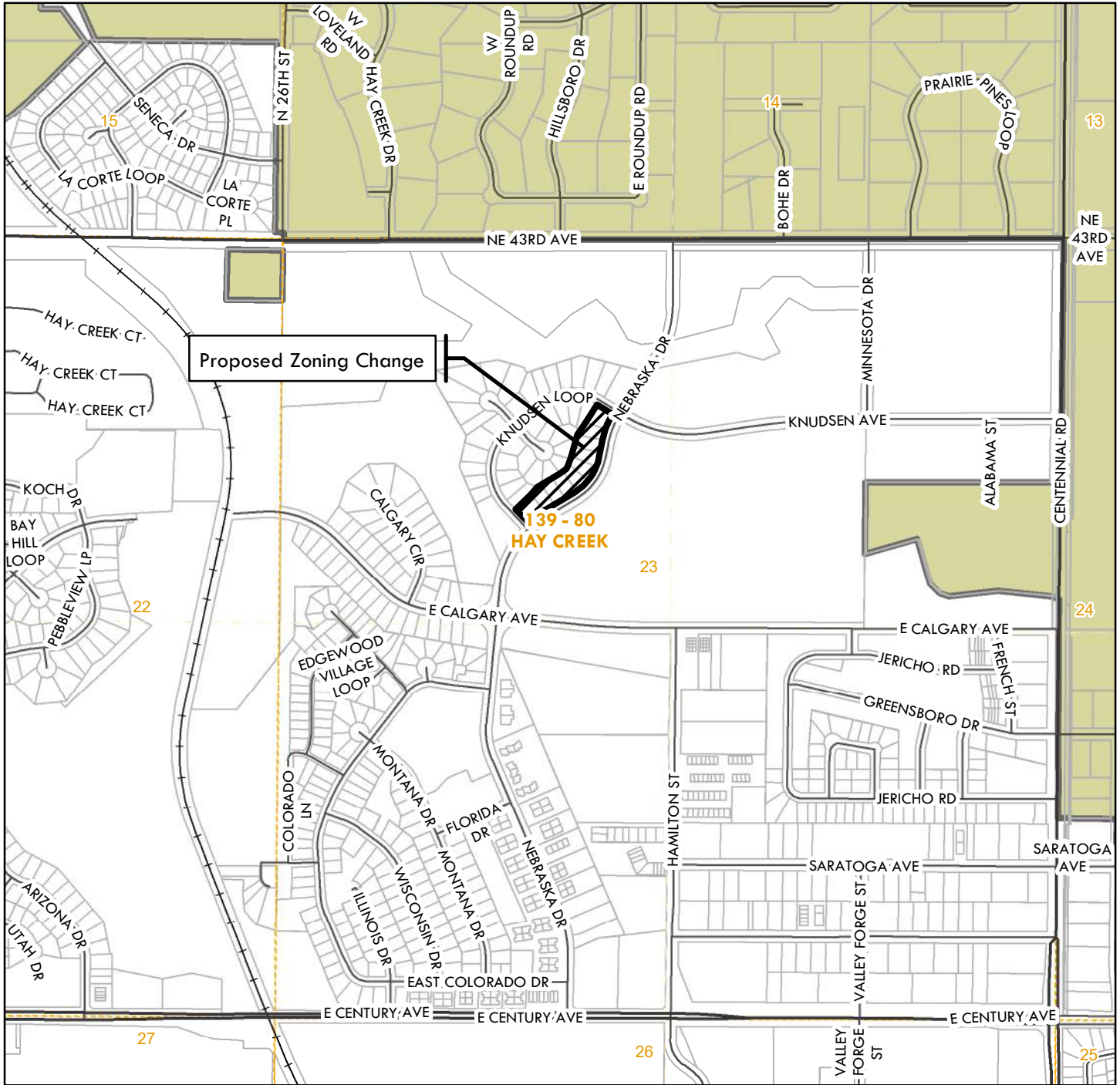
Staff report prepared by: Will Hutchings, Planner
701-355-1850 | whutchings@bismarcknd.gov



Lots 14-23, Block 2, Edgewood Village 7th Addition First Replat

Zoning Change (R5 to R10)

Project
Location Map

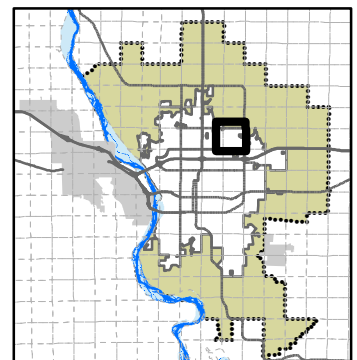


City Limits



Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
February 16, 2017 (HLB)

This map is for representational use only and does
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Lots 14-23, Block 2, Edgewood Village 7th Addition First Replat

Proposed Zoning Change (R5 to R10)

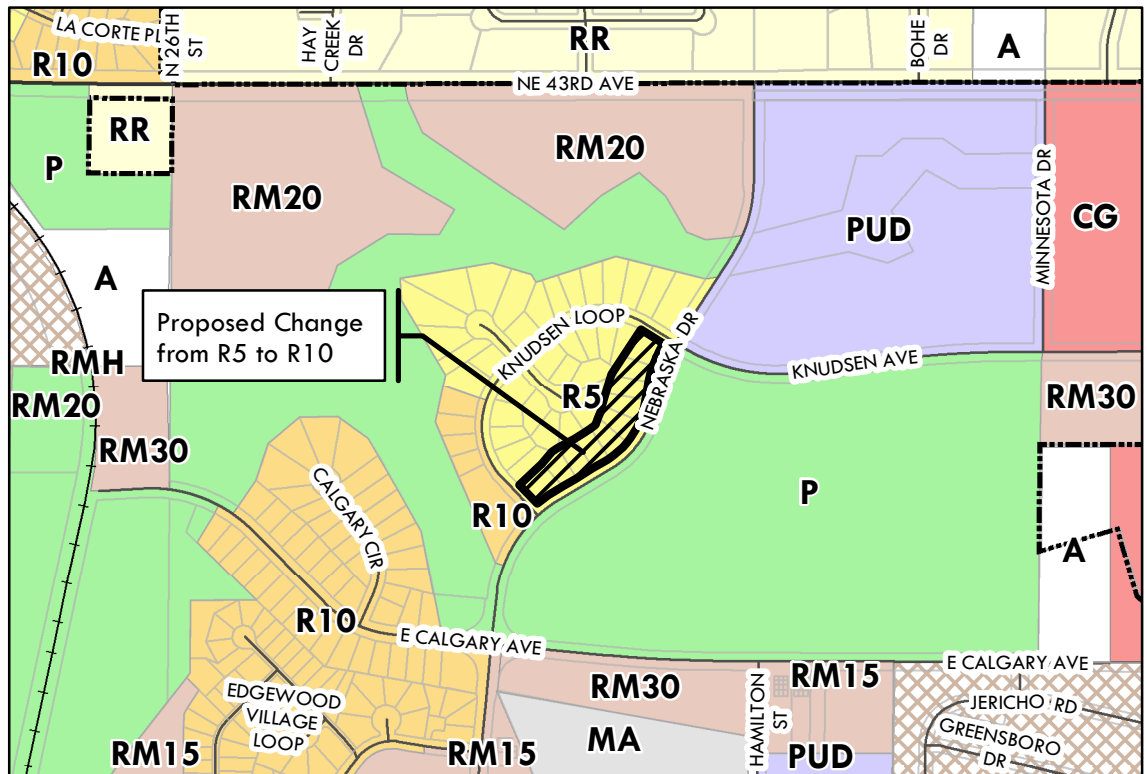
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

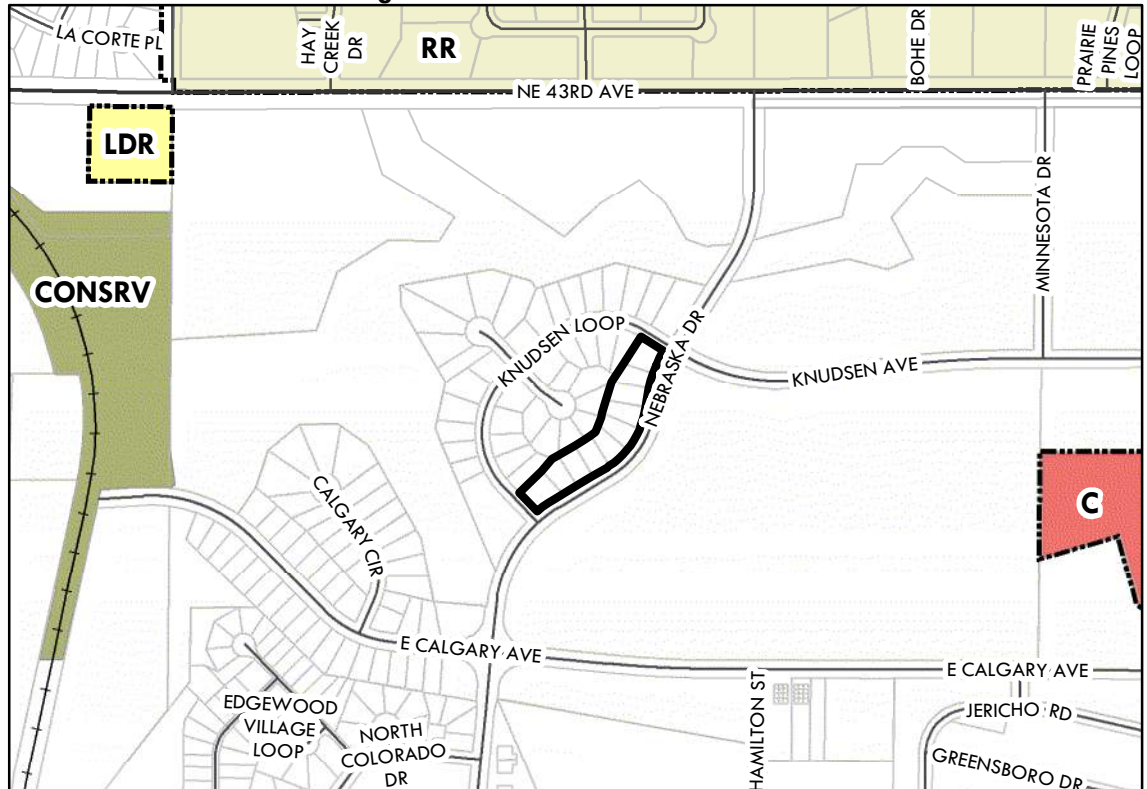
Zoning Map



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- ● ● Planned Arterial
- ● ● Planned Collector

0 0.125 0.25 0.5 Miles

City Limits

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City of Bismarck
Community Development Dept.
Planning Division
February 9, 2017



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

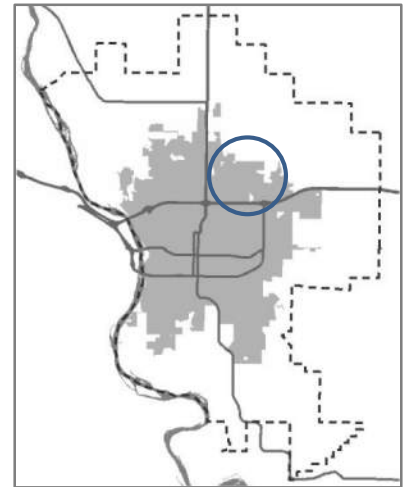
Agenda Item # 3
February 22, 2017

Application for: Zoning Change

TRAKiT Project ID: ZC2017-002

Project Summary

<i>Title:</i>	Lots 1-2, Block 1, Hamilton's First Addition
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Owner(s):</i>	Michael Baumgartner Construction Inc.
<i>Project Contact:</i>	Landon Niemiller, Swenson, Hagen & Company, P.C.
<i>Location:</i>	In northeast Bismarck, on the south side of East Calgary Avenue and the east side of Hamilton Street, directly across from and to the south of Legacy High School.
<i>Project Size:</i>	4.96 acres
<i>Request:</i>	Remove conditions of RM15 rezoning to accommodate change in construction plans.



Site Information

Existing Conditions

<i>Number of Lots:</i>	2
<i>Land Use:</i>	Multifamily residential and undeveloped
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	Conditional RM15 – Residential
<i>Uses Allowed:</i>	RM15 – Multi-family residential with conditions described below
<i>Max Density Allowed:</i>	RM15 – 15 units / acre

Proposed Conditions

<i>Number of Lots:</i>	2
<i>Land Use:</i>	Multifamily residential
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	RM15 – Residential
<i>Uses Allowed:</i>	RM15 – Multi-family residential
<i>Max Density Allowed:</i>	RM15 – 15 units / acre

Property History

<i>Zoned:</i>	C-RM15 in 2014 PUD in 2009 R10 in 1994 CG in 1978	<i>Platted:</i>	Hamilton's First Addition in 2010	<i>Annexed:</i>	1978
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Staff Analysis

The applicant is proposing a zoning change for Lots 1-2, Block 1 of Hamilton's First Addition from Conditional RM15 to RM15. The purpose is to remove the conditions previously placed on this district. Those conditions are as follows:

1. Development of the site must generally conform to the site plan submitted with the application and is limited to four (4) 12-unit apartment buildings and four (4) twin homes located along the easternmost portion of the property.
2. The maximum height of any building is 35 feet.
3. Lots 1 and 2, Block 1, Hamilton's First Addition must be combined as one parcel through the City's lot modification process.
4. The twin homes must remain as part of the overall development and cannot be split off in the future and sold as individual lots.

The conditions are associated with a site plan for which construction has been partially completed. Two of the four 12-Unit condominiums were constructed in 2014 on the west 200 feet of Lot 1. As of this staff report, 15 of the 24 units have been sold. The owners of these condominiums have not petitioned for this zoning change, but would be notified of a public hearing and given the opportunity to comment.

Hamilton's First Addition First Replat was approved by the City Commission on June 23, 2015. This replat would have reconfigured the lots for multifamily residential development within Lots 1-3, Block 1 of the original Hamilton's First Addition, creating 17 lots out of the existing three. However, the replat was never recorded and the applicant recently told staff it has been abandoned.

The applicant has indicated that a different minor subdivision final plat will be submitted this month, and this plat would be considered in conjunction with the public hearing for this zoning change request.

Adjacent land uses are the newly-constructed Legacy High School to the north, across East Calgary Avenue; developing portions of a manufactured home park owned by Liechty Homes to the east; undeveloped

portions of a planned industrial park to the south; and multifamily residential uses to the west, across Hamilton Drive.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the Conditional RM15 Residential zoning district to the RM15 Residential zoning district for Lots 1-2, Block 1, Hamilton's First Addition.

Attachments

1. Location Map

(continued)

2. Zoning Map

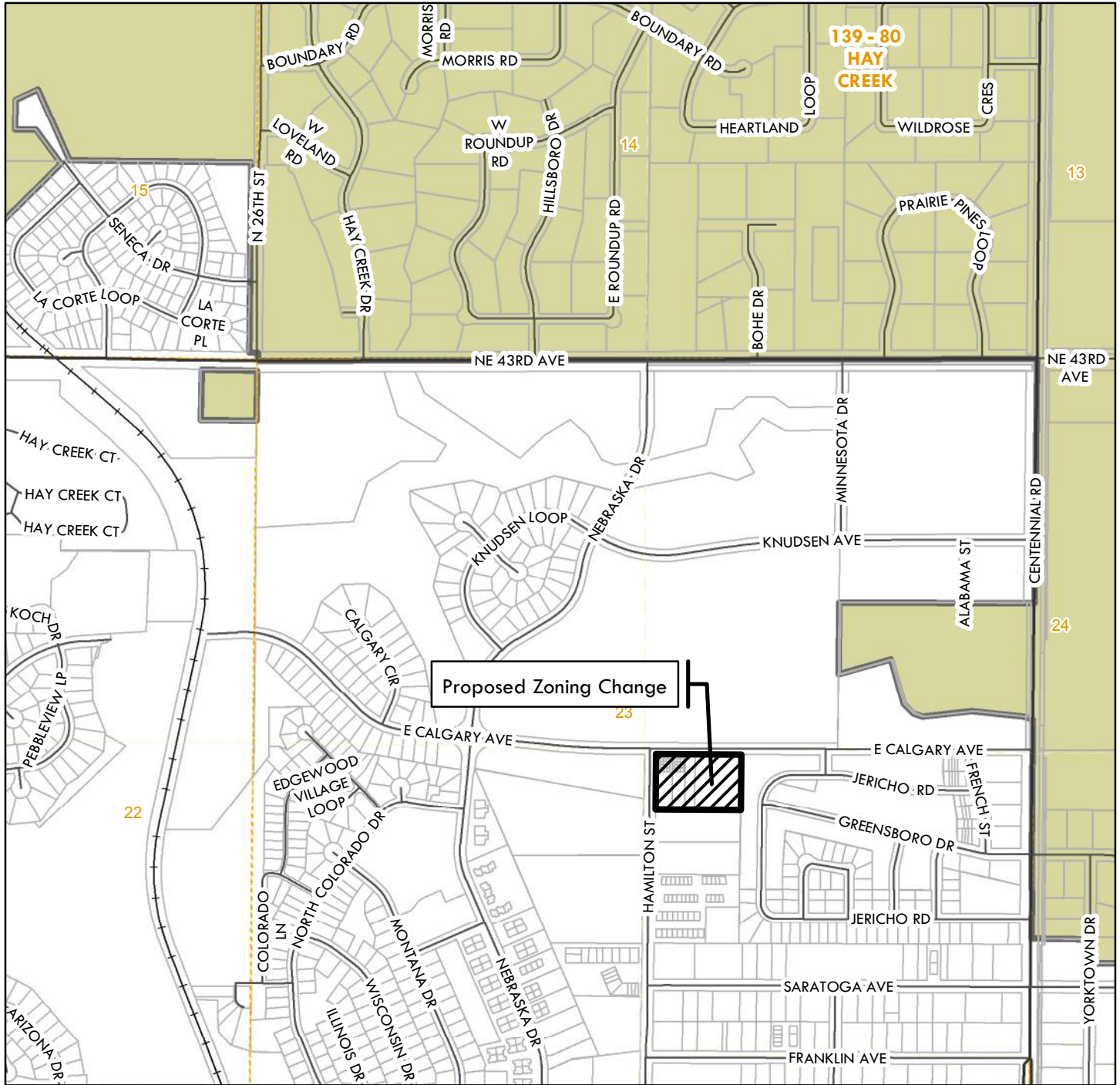
Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov



Lot 2 and the East 42' of Lot 1, Block 1, Hamilton's First Addition

Zoning Change (Conditional RM15 to RM15)

Project
Location Map



0 0.25 0.5 1 Miles

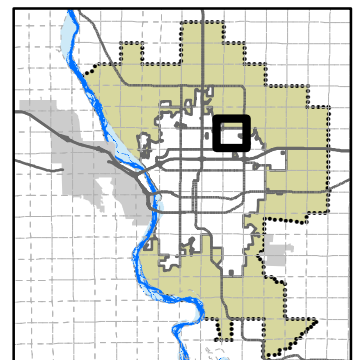


City Limits



Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
February 14, 2017 (HLB)

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Lot 2 and the East 42' of Lot 1, Block 1, Hamilton's First Addition

Zoning and Plan

Zoning Change (Conditional RM15 to RM15)

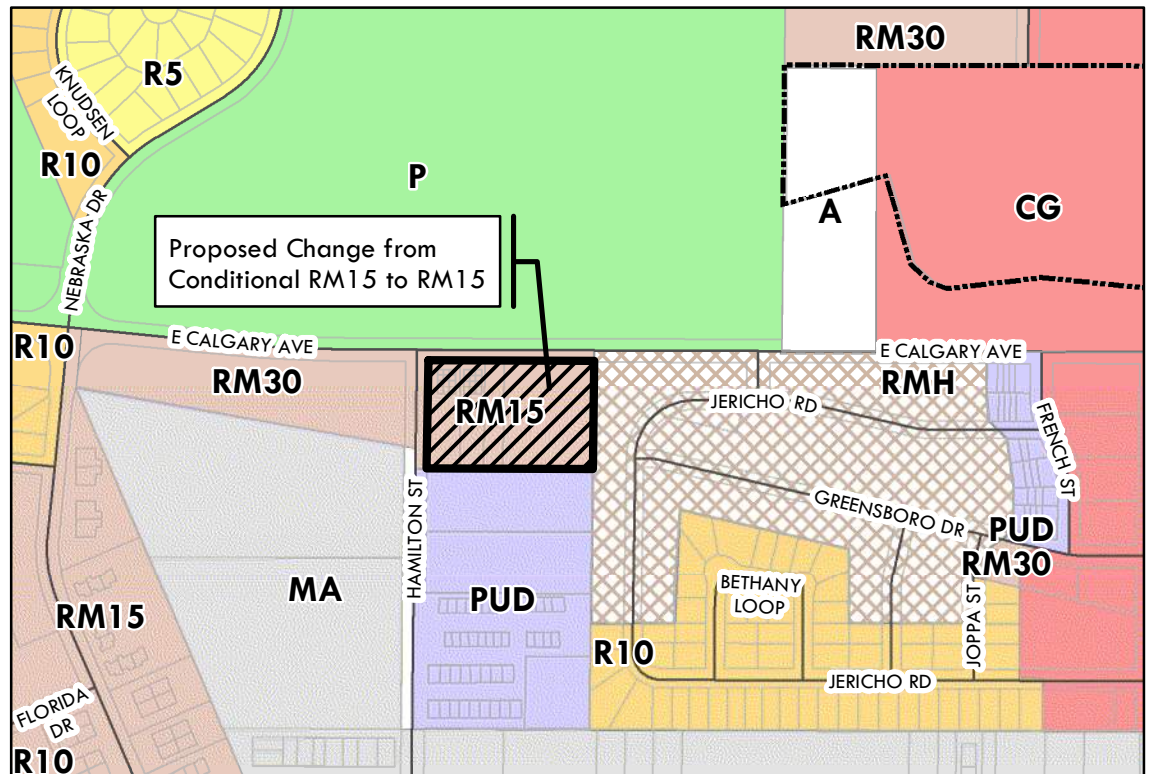
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

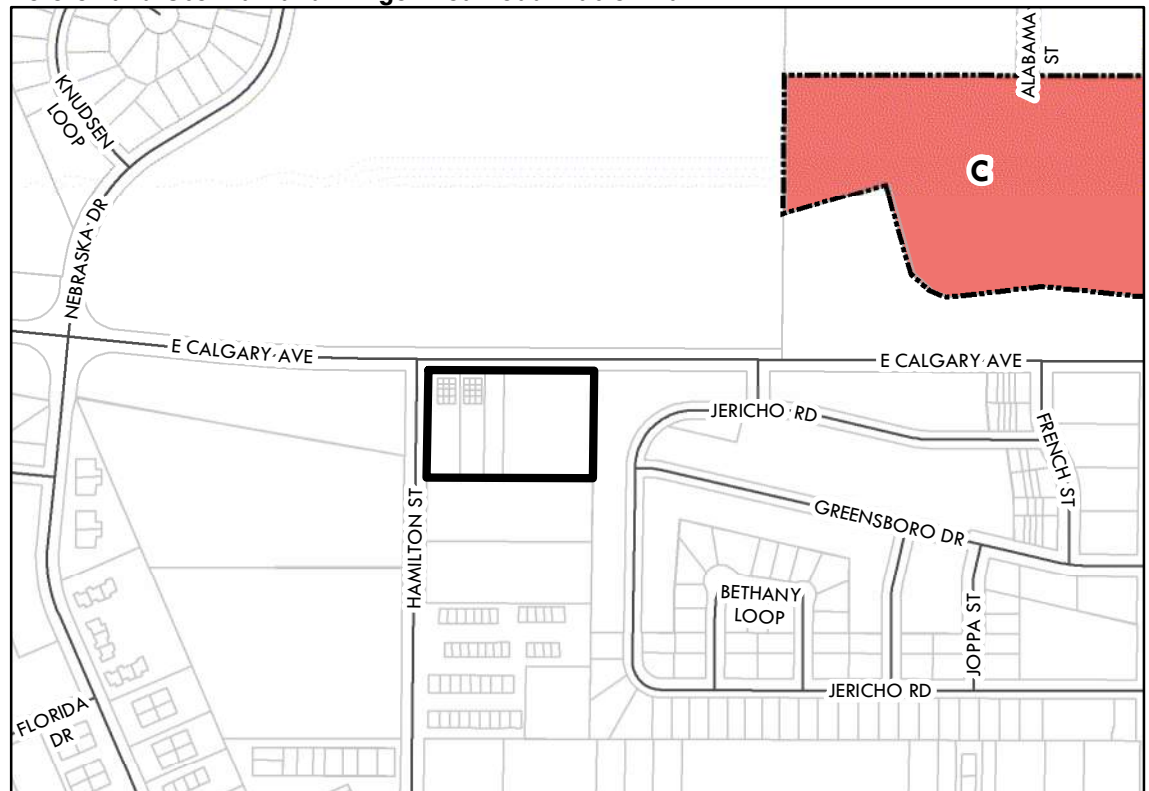
Zoning Map



Future Land Use Plan and Fringe Area Road Master Plan

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve



Fringe Area Road Master Plan

- ● ● Planned Arterial
- ● ● Planned Collector

0 0.1 0.2 0.4 Miles

City Limits

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City of Bismarck
Community Development Dept.
Planning Division
February 14, 2017



STAFF REPORT

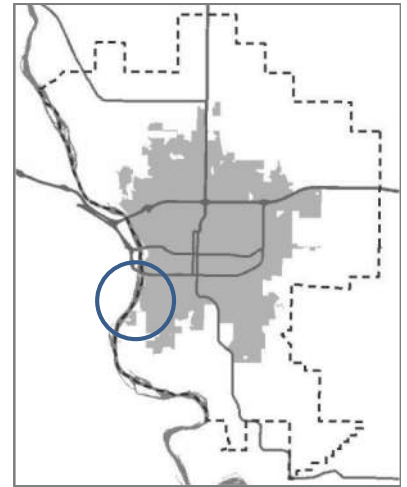
City of Bismarck
Community Development Department Planning
Division

Agenda Item # 4
February 22, 2017

Application for: Major Planned Unit Development (PUD) Amendment TRAKiT Project ID: PUDA2017-001

Project Summary

Title:	Southport Phase II PUD
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Galpin Entertainment, LLC (Units 1 & 2, The Pier Condominiums) Multiple owners (remainder of Southport Phase II)
Project Contact:	Neal Galpin, Galpin Entertainment, LLC
Location:	In southwest Bismarck, along the west side of Riverwood Drive south of Bismarck Expressway
Project Size:	20,028 square feet (The Pier Condominiums property) 43.1 acres (entire Southport Phase II PUD)
Request:	The proposed amendment to the PUD for Southport Phase II would allow the conversion of the two-story portion of The Pier building from an office use back to a restaurant/bar use.



Site Information

Existing Conditions

Number of Lots:	8 lots/147 parcels
Land Use:	Mixed use, as outlined in PUD
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	PUD – Planned Unit Development
Uses Allowed:	PUD – Uses specified in PUD
Max Density Allowed:	PUD – Density specified in PUD

Proposed Conditions

Number of Lots:	8 lots/147 parcels
Land Use:	Mixed use, as outlined in PUD
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	PUD – Planned Unit Development
Uses Allowed:	PUD – Uses specified in PUD
Max Density Allowed:	PUD – Density specified in PUD

Property History

Zoned:	10/1992 (PUD) 02/2015 (Last Amendment)	Platted:	04/1993 (Southport)	Annexed:	05/1993
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Staff Analysis

Galpin Entertainment, LLC is requesting an amendment to the Southport Phase II Planned Unit Development in order to convert the two-story portion of The Pier building back to a bar/restaurant use from an office use. All other provisions of the PUD would remain as is.

Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City's Planned Unit Development (PUD) district is "to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space." A copy of this section is attached.

Southport Phase II was part of the original Southport PUD approved in 1992. In 1996, this area was replatted as Southport Phase II and the original PUD was amended to allow for 86 residential units, a marina, a restaurant, a convenience store, an office, a recreation area, and 15 acres of common area. Development of the PUD and the various land uses were tied to an approved site plan.

In 1997, the Southport Phase II PUD was amended to allow "a mixed use development, including a maximum of 96 residential units, constructed in 2 and 4 unit buildings; commercial buildings, including offices, a restaurant, and a convenience store/fuel dispensing station; and a marina and its accessory uses. All buildings within the PUD shall not exceed 2 stories in height." The proposed changes were tied to a modified site plan, which included a 25' x 80' (2000sf) convenience store/fuel dispensing station on Lot 6 in the northwest quadrant of the intersection of Riverwood Drive and Southport Loop. The southern portion of Lot 1 (west of the channel) continued to be designated as a commercial area with offices, a marina and a restaurant.

There were two amendments to the PUD in 1998. The first amendment allowed the addition of a new building plan for the residential portion of the development. The second amendment allowed on-sale beer sales within the convenience store and the construction of a 42' x 48' deck on the northern end of the building. In 2000, the PUD was amended to allow the southern portion of Lot 1 (west of the channel) to be developed as residential rather than the commercial uses originally approved (office, restaurant, marina). The amendment also allowed the designated restaurant area to be moved to the north end of Lot 2 (west of the channel), increased the total number of residential units allowed to 123, continued to include parking for marina use on Lot 1, and eliminated proposed office uses on Lot 1.

A proposed amendment in 2002 to expand the convenience store was withdrawn by the applicant.

In 2002, the PUD was amended to allow the replacement of the restaurant use on Lot 2 with six dwelling units (three twinhomes) and consolidate the commercial aspects of the original PUD in one location on Lot 6 (referred to as the convenience store/bar/restaurant building).

In 2011, the PUD was amended to change the use of the convenience store/bar/restaurant building on Lot 6 to allow the two-story portion of the building to be used as office space rather than a bar/restaurant. Sometime after the PUD amendment was approved, The Pier Condominiums were created to legally split the parcel into two units.

In 2015, the PUD was amended to increase the maximum number of dwelling units allowed in the development from 132 units to 133 units.

This PUD amendment as proposed would re-establish a bar/restaurant use in the two-story portion of the building on Lot 6; the previously approved office use would no longer be allowed.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed portion of the community and is outside of the area covered by the Future Land Use Plan in the 2014 Growth Management Plan, as amended;

2. The proposed amendment is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services,

(continued)

Agenda Item # 4

Community Development Department Staff Report

February 22, 2017

facilities and programs to serve any development allowed by the proposed amendment at the time the property is developed;

4. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
5. The character and nature of the amended planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located;
6. The amended planned unit development would preserve the natural features of the site inasmuch as possible, including the preservation of trees and natural drainage ways;
7. The internal roadway circulation system within the amended planned unit development has been adequately designed for the type of traffic that would be generated;
8. Adequate buffer areas have been provided between the amended planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.

9. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the major Planned Unit Development (PUD) amendment for the Southport Phase II PUD relating to the use of The Pier building, as outlined in the attached draft PUD ordinance.

Attachments

1. Section 14-04-18, City Code of Ordinances
2. Draft PUD Ordinance
3. Location Map
4. Site Plan

Staff report prepared by: Kim L. Lee, AICP, Planning Manager 701-355-1846 | klee@bismarcknd.gov

14-04-18. Planned Unit Developments. It is the intent of this section to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space.

1. Site plan, written statement and architectural drawings. The application must be accompanied by a site plan, a written statement and architectural drawings:
 - a. Site plan. A complete site plan of the proposed planned unit prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information.
 - 1) The existing topographic character of the land;
 - 2) Existing and proposed land uses;
 - 3) The location of all existing and proposed buildings, structures and improvements;
 - 4) The maximum height of all buildings;
 - 5) The density and type of dwelling;
 - 6) The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way;
 - 7) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas;

- 8) Proposed interior buffer areas between uses;
 - 9) Acreage of PUD;
 - 10) Utility service plan showing existing utilities in place and all existing and proposed easements;
 - 11) Landscape plan; and
 - 12) Surrounding land uses, zoning and ownership.
- b. Written statement. The written statement to be submitted with the planned unit application must contain the following information:
- 1) A statement of the present ownership and a legal description of all the land included in the planned unit;
 - 2) An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to described the objectives; and
 - 3) A copy of all proposed condominium agreements for common areas.
- c. Architectural drawings - the following architectural drawings shall be submitted in sufficient detail to allow evaluation of building height, form, massing, texture, materials of construction, and type, size, and location of door and window openings:
- 1) Elevations of the front and one side of a typical structure.
 - 2) A perspective of a typical structure, unless waived by the planning department.
2. Review and approval.
- a. All planned units shall be considered by the planning commission in the same manner as a zoning change. The planning commission may grant the proposed planned unit in whole or in part, with or without modifications and conditions, or deny it.
- b. All approved site plans for planned units, including modifications or conditions shall be endorsed by the planning commission and filed with the Director of Community Development. The zoning district map shall indicate that a planned unit has been approved for the area included in the site plan.
3. Standards. The planning commission must be satisfied that the site plan for the planned unit has met each of the following criteria:
- a. Proposal conforms to the comprehensive plan.
 - b. Buffer areas between noncompatible land uses may be required by the planning commission.
 - c. Preservation of natural features including trees and drainage areas should be accomplished.

- d. The internal street circulation system must be designed for the type of traffic generated. Private internal streets may be permitted if they conform to this ordinance and are constructed in a manner agreeable to the city engineer.
 - e. The character and nature of the proposal contains a planned and coordinated land use or mix of land uses which are compatible and harmonious with adjacent land areas.
4. Changes.
- a. Minor changes in the location, setting, or character of buildings and structures may be authorized by the Director of Community Development.
 - b. All other changes in the planned unit shall be initiated in the following manner:
 - 1) Application for Planned Development Amendment.
 - a) The application shall be completed and filed by all owners of the property proposed to be changed, or his/their designated agent.
 - b) The application shall be submitted by the specified application deadline and on the proper form and shall not be accepted by the Director of Community Development unless and, until all of the application requirements of this section have been fulfilled.
 - 2) Consideration by Planning Commission. The planning commission secretary, upon the satisfactory fulfillment of the amendment application and requirements contained herein, shall schedule the requested amendment for a regular or special meeting of the planning commission, but in no event later than sixty (60) calendar days following the filing and acceptance of the application. The planning commission may approve and call for a public hearing on the request, deny the request or table the request for additional study.
 - 3) Public Hearing by Planning Commission. Following preliminary approval of an amendment application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the planned unit development amendment. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study, or, because of the nature of the proposed change, make a recommendation and send to the Board of City Commissioners for final action.

(Ord. 4364, 05-07-91; Ord. 4876, 11-25-97; Ord. 4946, 10-27-98; Ord. 5218, 11-26-02; Ord. 5343, 06-22-04; Ord. 5351, 08-24-04; Ord. 5728, 05-26-09)

**SOUTHPORT PHASE II PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 5312 (Adopted March 23, 2004)
MAJOR PUD AMENDEMNT (Adopted March 23, 2011)
MAJOR PUD AMENDMENT (Adopted February 25, 2015)
MAJOR PUD AMENDMENT (Adopted _____)**

WHEREAS, Ordinance No. 5312 was adopted by the Board of City Commissioners on March 23, 2004; and

WHEREAS, the ordinance indicates that any change in the uses outlined in the ordinance requires an amendment to the PUD; and

WHEREAS, Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments) outlines the requirements for amending a PUD; and

WHEREAS, the PUD was amended on March 23, 2011 to change the use of the convenience store/bar/restaurant building on Lot 6 to allow the two-story portion of the building to be used as office space rather than a bar/restaurant and to eliminate the convenience store use; and

WHEREAS, the PUD was amended on February 25, 2015 to change the increase the maximum number of units within the PUD from 132 to 133; and

WHEREAS, Galpin Entertainment LLC has requested an amendment to the Planned Unit Development for Southport Phase II.

NOW, THEREFORE, BE IT RESOLVED by the Bismarck Planning and Zoning Commission of the City of Bismarck, North Dakota, a municipal corporation, that the request to amend the Planned Unit Development for the following described property:

Lots 1-8, Southport Phase II and Lots B-1 and C of Lot 53, and Tracts 1406, 1408, and Lot B of Lot 54, Block 1, Southport

is hereby approved and this PUD is now subject to the following development standards:

1. *Uses Permitted.* Uses permitted include a mixed use development, including a maximum of 133 residential units constructed in two, three, four and five unit buildings on Lots 1, 2, 4, 7, Southport Phase II and Lots B-1 and C of Lot 53, and Tracts 1406, 1408, and Lot B of Lot 54, Block 1, Southport; marina parking facilities, a marina restroom facility and boat ramp on Tracts A, B and C of Lot 1, Southport Phase II; a bar/restaurant/office building, a marina restroom facility, and parking facilities on Lot 6, Southport Phase II; a maintenance/office building on Lot 4, Southport Phase II; a private roadway over Lot 3, Southport

Phase II (Southport Loop); and channel/marina facilities, including the sale of gas and minor convenience items from a kiosk, on Lots 5 and 8, Southport Phase II. The configuration of residential units and other uses shall generally conform to the overall development plan for Southport Phase II dated March 3, 2004. Any change in the use of any building from that indicated above will require an amendment to this PUD.

2. *Residential Development Standards.* The maximum allowable density shall be 133 units, the minimum building setback requirements at the perimeter of the PUD shall be a front yard setback of 25 feet along Riverwood Drive, a minimum rear yard setback of 20 feet, and a minimum side yard setback of 6 feet. Setbacks between buildings within the PUD shall be the minimum allowed under the City's building code. Residential building types shall be substantially similar to those approved in the original PUD and subsequent amendments and shall be no more than two stories in height. Any change to the density or building setbacks that are inconsistent with these standards will require an amendment to this PUD.
3. *Commercial Development Standards.* The bar/restaurant/~~office~~ building on Lot 6 shall be no larger than 4850 square feet in size on two floors (3490 square feet on the first floor and 1360 square feet on the second floor), with a first floor deck no larger than 1920 square feet on the west side of the building (~~480 square feet associated with office use and 1440 square feet associated with bar/restaurant use~~), and a second floor deck no larger than 480 square feet on the west side of the building (~~associated with office use~~), as submitted with the request for ~~this a~~ PUD amendment (exterior elevations and building footprint) and subsequent amendments. ~~The two-story portion of the building will be used for offices and the one-story portion of the one-story building will be used as a bar/restaurant.~~ The minimum front yard setback for the building shall be 25 feet along Riverwood Drive. Operation of the bar/restaurant will be subject to any standards agreed to by the City and the Developer in conjunction with liquor licensing for the establishment. The kiosk to be located at the end of the southernmost dock on Lot 5 shall be no larger than 100 square feet, no more than one story in height, and architecturally similar to other buildings in the development. Any change to the exterior dimensions, uses or setbacks of the building that are inconsistent with these standards will require an amendment to this PUD.
4. *Maintenance Building/Office.* The maintenance/office building located on Lot 4 shall be no larger than 1200 square feet, no more than one story in height, and shall be architecturally similar to other buildings in the development. This building may be used for storage of maintenance equipment for the development and office space for Southport Development. Any change to the location, size

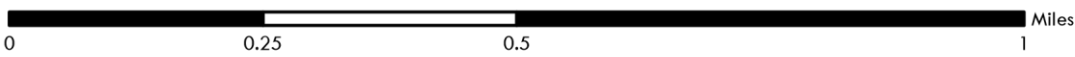
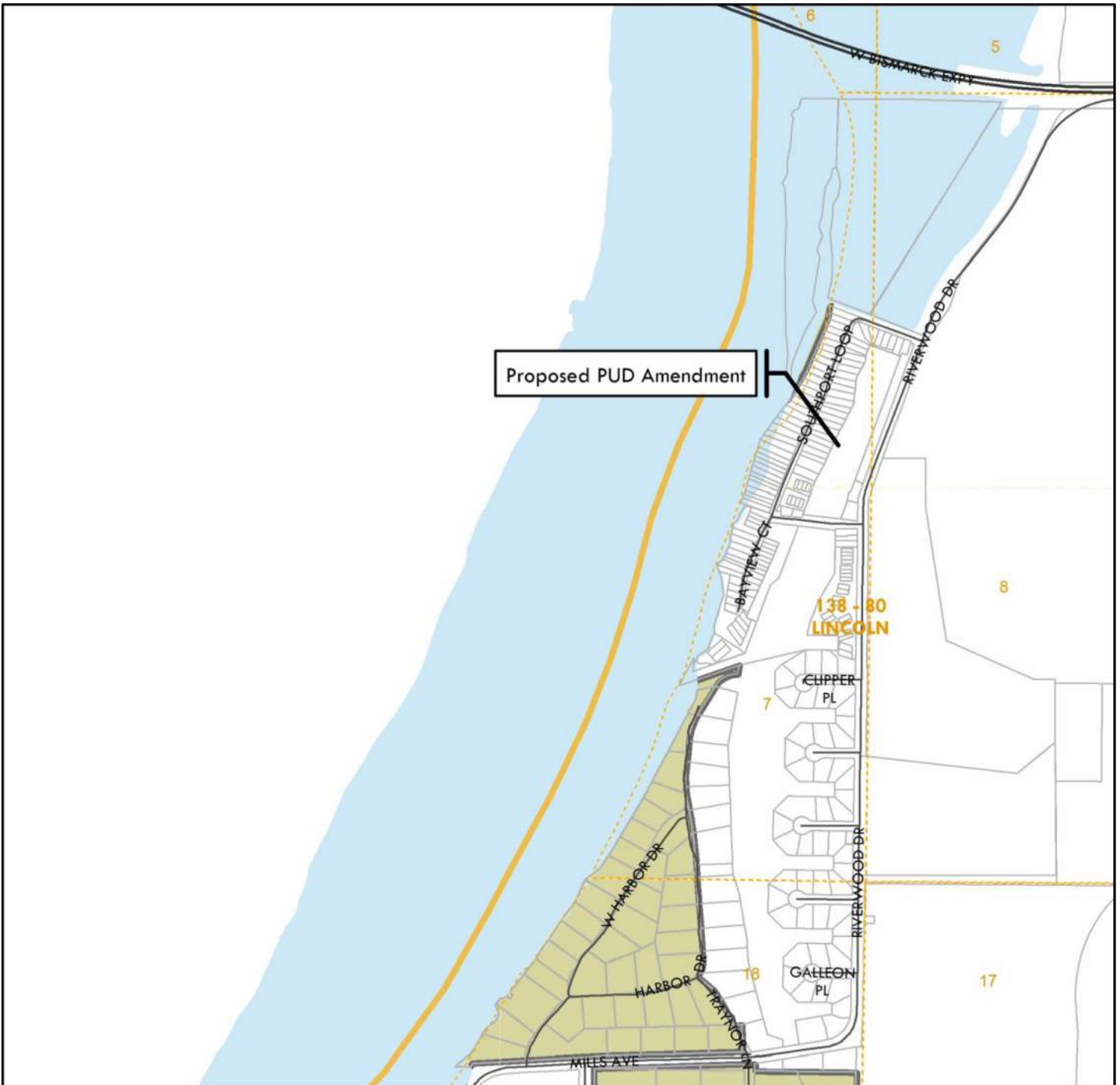
or use of this building that is inconsistent with these standards will require an amendment to this PUD.

5. *Marina Restroom Facilities.* The marina restroom facility located on Tract A of Lot 1, and any future marina restroom facility to be located on Lot 6, shall be no larger than 256 square feet, no more than one story in height, and shall be architecturally similar to other buildings in the development. The marina restroom facility on Lot 6 may be attached to the north side of the bar/restaurant, rather than a free-standing building, provided the addition is no more than 256 square feet, no more than one story in height, and architecturally similar to the rest of the building. Any change to the location, size or use of these buildings that is inconsistent with these standards will require an amendment to this PUD.
6. *Parking.* Off-street parking areas shall be provided on Lot 1 and on Lot 6 as shown on the overall development plan. Based on the square footage of the bar/restaurant/office building and the number of rental docks, a minimum of 225 off-street parking spaces must be provided on Lot 6 and a minimum of 80 off-street parking spaces must be provided on Lot 1, as shown on the overall development plan. That portion of the parking lot on Lot 6 required to provide the number of parking spaces required for the bar/restaurant/office building shall be paved. Any changes to the location of parking areas will require an amendment to this PUD.
7. *Signage.* Signage shall be limited to the existing signage for the bar/restaurant/office building and one development identification sign, which will be placed on Lot 6. The existing signage for the bar/restaurant/office building may be upgraded and refurbished as needed, although the size of the faces cannot be increased. The development identification sign to be installed on Lot 6 shall be a monument style sign no more than 60 square feet in area, and shall meet all other requirements as outlined in Section 14-03-05(9) of the City Code (Residential Area Identification Signs). Any change to the location or size of the allowed signs will require an amendment to this PUD.
8. *Changes.* This PUD shall only be amended in accordance with Section 14-0418(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.



Southport Phase II PUD Amendment

Project
Location Map

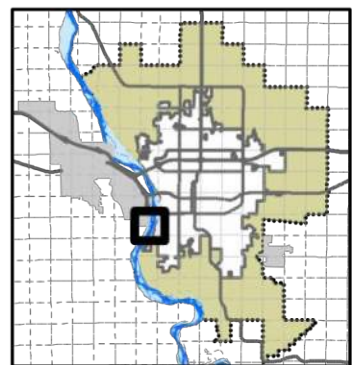


City Limits



Bismarck ETA Jurisdiction

*Section, township, and
range indicated in orange*



Community Development Department

Planning Division *This map is for representational use only and does not represent a survey. No liability is assumed as*

January 27, 2017 (HLB) *to the accuracy of the data delineated hereon.*

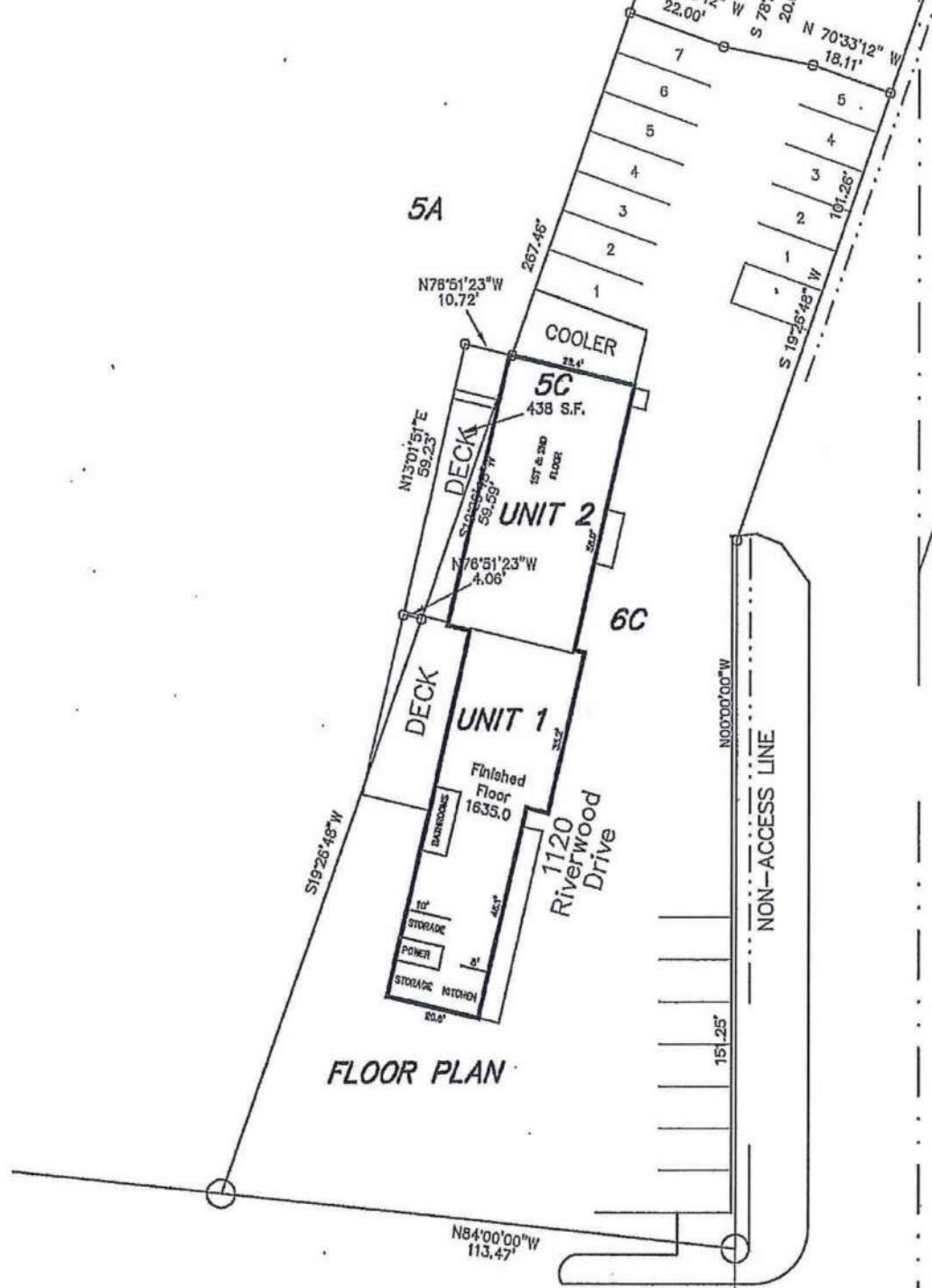


EXHIBIT DEC-A THE PIER CONDOMINIUMS



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 5
February 22, 2017

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2017-001

Project Summary

Title:	Modifications to Section 14-02-03 and Section 14-03-11 of the City Code of Ordinances
Status:	Planning & Zoning Commission – Consideration
Project Contact:	Jenny Wollmuth, CFM, Planner
Sections Amended:	Section 14-02-03 (Definitions) Section 14-03-11 (Landscaping and Screening)
Request:	Modify requirements outlined in the Definitions and Landscaping and Screening sections of Title 14 of the City Code of Ordinances.

Staff Analysis

Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening) outlines provisions that must be met when installing required landscaping and screening to sites during the development process.

The proposed amendments would modify requirements outlined in this section to: Encourage the installation of rain gardens and bio swales in landscape beds and perimeter parking lot landscaping; clarify the standards for mulch placed around street trees; allow required landscaping in the MA – Industrial and MB – Industrial zoning districts to be modified for truck maneuverability; allow the Director of Community Development and the City Forester to waive or delay certain landscaping requirements; and clarify financial surety requirements for the installation of required landscaping due to seasonal concerns.

Required Findings of Fact (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance

was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;

3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning ordinance text amendment of Section 14-02-03 of the City Code of Ordinances (Definitions) and Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening) as outlined in the draft ordinance.

Attachments

1. Section 14-02-03 draft amendment
2. Section 14-03-11 draft amendment

Staff report prepared by: Jenny Wollmuth, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov

CITY OF BISMARCK

Ordinance No. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-02-03 AND 14-03-11 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO DEFINITIONS AND LANDSCAPING AND SCREENING.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-02-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions is hereby amended and re-enacted to read as follows:

14-02-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

All words used in the present tense include the future tense. All words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "building" includes the word "structure". The word "shall" is mandatory and not directory. The word "used" shall be deemed also to include "designed, intended or arranged to be used". Unless otherwise specified, all distances shall be measured horizontally. The word "city" means the City of Bismarck, North Dakota; the term "board of city commissioners" means the board of city commissioners of said city; the term "board of adjustment" means the board of adjustment of said city; the term "city planning commission" means the city planning and zoning commission of said city; the term "board of county commissioners" means the Burleigh County Board of Commissioners; all officials referred to herein refer to the current appointed officials of said city or their authorized representatives.

* * * *

Bio swale. Landscape elements designed to concentrate or remove silt and pollution from surface water runoff.

* * * *

Rain garden. A planted depression or hole that allows rainwater runoff from impervious urban areas the opportunity to be absorbed prior to entering municipal stormwater facilities

* * * *

Section 2. Amendment. Section 14-03-11 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Landscaping and Screening is hereby amended and re-enacted to read as follows:

14-03-11. Landscaping and Screening.

* * * *

5. *Landscape Design Considerations*. Landscape design should serve to provide visually interesting open space, reduce the potential negative impact of development on adjacent land uses, and complement the scale of the development and its surroundings. The following items are to be considered in developing a landscape plan for submittal to the City:

- a. Landscape materials and structural items placed within the sight triangle of a corner lot, as defined in Section 14-02-03, shall not have a height of more than three (3) feet above the curb level during all stages of plant growth. Deciduous trees may be planted within the sight triangle provided they are not an obstruction to vision between three (3) feet and ten (10) feet above the curb level;
- b. Landscape materials and structural items at driveway entrances shall be placed so that visibility for vehicles entering or exiting a parking lot is not obstructed;

- c. Trees or shrubs shall not be planted under utility lines when their ultimate height may interfere with the lowest lines;
- d. Landscaped areas shall be of adequate size to promote proper plant growth and to protect plantings from pedestrian traffic, vehicle traffic, and other types of concentrated activity;
- e. Landscaped areas and plantings shall be located in a manner to allow adequate room for proper maintenance;
- f. A variety of tree and shrub species shall be utilized to provide year around visual interest. Except for continuous hedges and street trees, not more than fifty percent (50%) of the required number of trees or shrubs may be comprised of any one (1) species. In addition, not more than fifty percent (50%) of the shrubs and perennials within any planting bed larger than five hundred (500) square feet in area may be comprised of any one (1) genus;
- g. Final slopes greater than a 3:1 ratio, including slopes on earthen berms, will not be permitted without special approval or treatment, such as special seed mixtures or reforestation, terracing or retaining walls; and
- h. Within the DC - Downtown Core and DF - Downtown Fringe zoning districts, streetscape elements from the City's Streetscape Guidelines should be incorporated into the perimeter parking lot landscaping.
- i. Landscape beds intended to function as rain gardens, bio swales, storm water infiltration areas or storm water detention are encouraged.

* * * * *

7. *Street Trees.*

- a. Purpose. The street tree requirements are intended to promote air quality, shade, neighborhood

character, traffic calming, reduced storm water runoff, wildlife habitat, pedestrian amenity and aesthetic value.

- b. Applicability. Street trees shall be installed in conjunction with the construction of any principal commercial, industrial, institutional or multi-family building with more than three (3) units along a section of public roadway with curb and gutter installed or scheduled to be installed in conjunction with the project.
- c. Location. Street trees shall be installed within the public right-of-way or within ten (10) feet of the public right-of-way.
- d. Spacing and Planting Requirements. Unless the City Forester determines that it is necessary to address specific site conditions, three (3) deciduous trees are required for every one hundred (100) linear feet of street frontage. Street trees need not be placed at exact intervals, but they must be placed evenly along the street frontage. The City Forester shall have the authority to determine the final location of street trees in accordance with Section 13-02-01 of the City Code. Mulch shall be installed ~~to a minimum coverage thickness of two (2) inches within a radius of three (3) feet of the trunk base according to approved planting standards and specifications as determined by the City Forester.~~ Tree grates may be used in lieu of mulching at the discretion of the City Forester.
- e. Permit Required. A planting permit must be obtained from the Forestry Division of the Public Works Department prior to planting any trees within the public right-of-way.
- f. Installation delay. The Director of Community Development and City Forester may grant a waiver delaying the installation of required street trees if the current roadway is not yet improved as an urban roadway.

8. Perimeter Parking Lot Landscaping.

- j. Purpose. The perimeter parking lot landscaping requirements are intended to screen views of parking lots and access lanes from public rights-of-way, mitigate off-site headlight projection, and provide pervious surfaces to reduce storm water run-off.
- k. Applicability. Perimeter parking lot landscaping shall be required with the installation or reconstruction (as defined in subsection 2(d)) of any off-street parking area or access lane adjacent to the public right-of-way and/or visible from and within three hundred (300) feet of a public right-of-way.
- l. Standards. All parking lots and access lanes shall provide perimeter landscaping between said off-street parking areas and access lanes and adjacent public rights-of-way. Said perimeter landscaping shall be constructed with standard poured-in-place concrete curbing on the parking lot side in order to minimize damage to plant material. Perimeter parking lot concrete curbing may be modified to allow for stormwater management applications designed to function as rain gardens, bio swales, storm water infiltration areas or storm water detention facilities at the discretion of the Director of Community Development and the City Forester.
- m. Trees and Shrubs. Trees and shrubs shall be installed in accordance with the following table. The intent of the minimum requirements column is to provide a total number of trees and shrubs required based on street frontage, not to dictate the spacing of the trees and shrubs within that frontage. For fractions of the specified linear feet, the number of trees and shrubs required shall be the corresponding fraction.

Parking Lot Size (Number of Spaces)	Minimum Landscaping Width	Minimum Requirements

Less than 100	4 feet; or	Masonry wall, decorative fencing or continuous evergreen or deciduous hedge with a minimum height of 3 feet.
	6 feet	1 shade or ornamental tree and 5 shrubs for every 25 linear feet of street frontage.
100 to 399	10 feet; or	4 shade or ornamental trees and 40 shrubs for every 100 linear feet of street frontage; or
		Masonry wall, decorative fencing combined with a variety of landscape materials, or continuous evergreen or deciduous hedge with a minimum height of 3 feet
	20 feet; or	Earthen berm with a minimum height of 3 feet plus 2 shade or ornamental trees for every 100 linear feet of street frontage; or
		2 shade or ornamental trees and 15 shrubs for every 100 linear feet of street frontage.
	30 feet	4 shade or ornamental trees and 10 shrubs for every 100 linear feet of street frontage.
400 or more	20 feet	Earthen berm with a minimum height of 3 feet plus 4 shade or ornamental trees for every 100 linear feet of street frontage; or
		4 shade or ornamental trees and 15 shrubs for every 100 linear feet of street frontage; or

		Masonry wall, decorative iron fencing combined with a variety of landscape materials, or continuous evergreen or deciduous hedge with a minimum height of 4 feet.
	30 feet	4 shade or ornamental trees and 10 shrubs for every 100 linear feet of street frontage.
	40 feet or greater	4 shade or ornamental trees for every 100 linear feet of street frontage.

- e. Applicability to Industrial Districts. Within the MA - Industrial and MB - Industrial zoning districts, the Director of Community Development and the City Forester may waive or modify perimeter parking lot landscaping requirements based on site conditions if the parking lot has twenty-five (25) or fewer parking spaces and the property is not located along a collector or arterial roadway.
- f. Grade Differential. Consideration will be given for parking areas and access lanes that are significantly above or below the finish grade of the adjacent public right-of-way. Modifications to the required plant quantities will be considered on a case-by-case basis by the Director of Community Development and the City Forester with the submittal of section and/or elevation drawings showing how the design will meet the intent of the ordinance.
- g. Separation. For off-street parking areas with varying widths adjacent to a public right-of-way, the average separation distance between the parking area and the right-of-way will be the basis for the required plant materials.
- h. Substitutions. The Director of Community Development and the City Forester may allow perennials to be substituted for a portion of the required shrubs on a one-to-one basis, and for one

shade tree to be substituted for three shrubs, based on specific site conditions and the overall landscape design for the site.

9. Interior Parking Lot Landscaping.

- a. Purpose. The interior parking lot landscaping requirements are intended to break up large expanses of pavement, provide relief from the heat island effect associated with paved areas, promote air quality, shade, aesthetic value, and provide pervious surfaces to reduce storm water run-off.
- b. Applicability. Interior parking lot landscaping applies to any new or reconstructed parking lot (as defined by subsection 2(d)).
- c. Standards. All parking lots containing fifty (50) or more off-street parking spaces shall provide interior landscape areas within the parking lot. Said landscape areas shall be provided at the rate of ten (10) square feet per parking space, shall be no less than ten (10) feet by ten (10) feet (100 square feet), and shall be constructed with poured-in-place concrete curbing to minimize damage to plant material. ~~The poured-in-place concrete curbing requirement may be waived by the Director of Community Development and the City Forester for landscape beds intended to function as rain gardens, storm water infiltration areas or storm water detention facilities. The poured-in-place concrete curbing may be modified to allow for stormwater management applications designed to function as rain gardens, bio swales, storm water infiltration areas or storm water detention facilities at the discretion of the Director of Community Development and the City Forester.~~ For parking lots with one hundred (100) to four hundred (400) parking spaces, at least fifty percent (50%) of the landscape areas shall be no less than six hundred (600) square feet in area with a minimum width dimension of ten (10) feet. For parking lots with more than four hundred (400) parking spaces, at least fifty percent (50%) of the landscape areas shall be no less than twelve hundred (1200) square

feet in area with a minimum width dimension of ten (10) feet.

- d. Placement of Landscape Areas. Live plant material should be evenly dispersed throughout the parking area.
- e. Trees and Shrubs. At least one (1) shade tree and three (3) shrubs shall be provided for every twenty (20) parking spaces or fraction thereof within the off-street parking area. One (1) shade tree may be substituted for three (3) shrubs, but shrubs may not be substituted for shade trees. The Director of Community Development and the City Forester may allow perennials to be substituted for a portion of the required shrubs on a one-to-one basis, based on specific site conditions and the overall landscape design for the site.

f. For sites located within the MA - Industrial zoning district and MB - Industrial zoning district, the required plant material for interior landscape islands which are located in areas designated for truck maneuverability may be relocated throughout the site at the discretion of the Director of Community Development and the City Forester.

* * * * *

11. *Installation, Maintenance, Replacement, Inspection and Enforcement.*

- a. Installation of Street Trees. The City Forester shall determine the time for installation of street trees.
- b. Installation of Other Required Landscaping. All other landscaping and buffer yards required by this subsection shall be healthy and in-place as soon as grading or construction has been completed to eliminate or reduce wind and/or water erosion. When landscaping cannot be completed in conjunction with site development due to seasonal constraints, the plant material shall be installed at the beginning of the next growing season, unless

otherwise approved by the Director of Community Development and the City Forester.

c. Maintenance and Replacement. The owner, or successors in interest, or agent, if any, shall be responsible for regular maintenance of all landscaping in good condition in a way that presents a healthy, neat and orderly appearance. All landscaping must be maintained free from disease, pests, weeds and litter. This maintenance must include weeding, watering, fertilizing, pruning, mowing, edging, mulching and other maintenance, as needed and in accordance with acceptable horticultural practices. Dead plants must be promptly removed and replaced within the next growing season. Trees located along fire department access routes, as identified on an approved site plan, must be pruned as needed to maintain a vertical clearance height of no less than fourteen (14) feet.

d. Inspection and Enforcement. All landscaping shall be subject to periodic inspection by the City Forester. Landscaping that is not installed, maintained or replaced as needed to comply with the approved landscape plan shall be considered a violation of this Section and shall be subject to the enforcement provisions Chapter 13-02-14.

e. Surety Requirement.

1. For landscaping required under Section 14-03-11(2)(a), the landscaping shown in the approved landscaping plan must be installed prior to issuance of a certificate of occupancy. If the landscaping cannot be installed due to seasonal concerns, the certificate of occupancy may be issued upon the receipt of ~~a certificate of deposit in the name of the City of Bismarck in an amount (estimate plus ten percent (10%)) sufficient to guarantee the installation of the landscaping according to the landscape plan~~ financial assurance in the name of the City of Bismarck. Financial assurance shall include the cost of installation and labor plus ten

percent (10%), to guarantee the installation of the landscaping according to the landscape plan.

2. For landscaping required under Section 14-03-11 (2)(b), the owner must provide a certificate of deposit in the name of the City in an amount sufficient to guarantee the installation of the landscaping according to the landscape plan prior to issuance of a permit for the construction or alteration of the parking lot.
3. For landscaping required under Section 14-03-11 (2)(c), the owner must provide certificate of deposit in the name of the City in an amount sufficient to guarantee the installation of the landscaping according to the landscape plan prior to issuance of a special use permit or final approval of a zoning change.
4. For landscaping required under Section 14-03-11 (2)(d), the owner must provide a certificate of deposit in the name of the City in an amount sufficient to guarantee the installation of the landscaping according to the landscape plan prior to issuance of a special use permit for the parking improvements.

If the required landscaping is not installed as agreed by the owner or by July 1 of the year following the occupancy or use of the property, the City may cash the certificate of deposit and order the installation of the landscaping according to the approved landscape plan, based on an estimate prepared by the landscape architect, landscape designer, landscape contractor or civil engineer submitting the landscape plan and agreed to by the City, plus ten percent (10%).

* * * * *

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent

jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

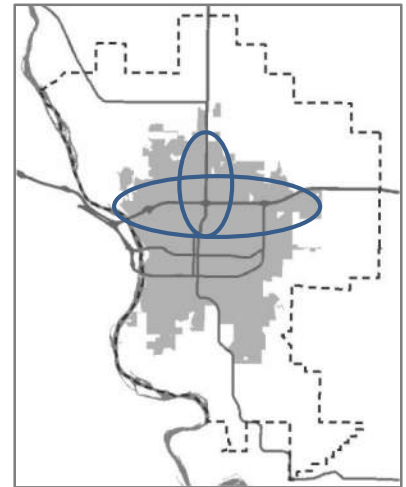
Agenda Item # 6
February 22, 2017

Application for: Annexation

TRAKiT Project ID: ANN2017-002

Project Summary

Title:	Annexation of ND Department of Transportation Right-of-Way
Status:	Planning & Zoning Commission – Final Consideration
Owner(s):	State of North Dakota (ND Department of Transportation)
Project Contact:	Daniel Nairn, AICP, Planner, City of Bismarck
Location:	Interstate 94 and US Highway 83/State Street
Project Size:	515.26 acres
Request:	Formally annex state right-of-way within the current city limits



Staff Analysis

As the City of Bismarck has expanded in area over the last several decades, portions of rights-of-way owned by the ND Department of Transportation (NDDOT) have been brought into the city limits. However, North Dakota Century Code includes an additional requirement for the annexation of any state land.

According to NDCC Chapter 40-51.2-07,

“No state-owned property may be annexed without the written consent of the state agency or department having control of the property.”

Although the state agency has typically been notified of previous annexations, the required written consent has not been obtained from the NDDOT. The purpose of this action is to satisfy this requirement for portions of state right-of-way that have previously been considered annexed by the City.

There are no tax implications for this annexation. The NDDOT and City Public Works departments already distribute maintenance responsibilities on the Interstate and US Highway routes through the city limits by agreement.

Staff would request written consent for this action from the NDDOT, and only bring the annexation forward to a public hearing with the City Commission once this consent has been obtained.

Required Findings of Fact (relating to land use)

1. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

(continued)

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of the following:

All right-of-way of Interstate 94 from the ordinary high water market of the Missouri River to the boundary of Sections 19 and 20, Township 139 North, Range 79 West, as described in the right-of-way plats of North Dakota Department of Transportation projects IM-1-094(013)156, I-94-5(1), I-IG-94-5-(1), I-94-5(2), NHU-1-094(082)925 and I-94-5(29)168, and as identified on the attached location map.

All right-of-way of US Highway 83/ND Highway 1804/State Street from the

intersection of said roadway and 57th Avenue NE, which is the corner of sections 9, 10, 15, and 16, Township 139 North, Range 80 West, to the intersection of said roadway and Interstate 94, as described in the right-of-way plats of North Dakota Department of Transportation projects CMU-1-083(059)088, F-1-083()089, F-1-083()093, F-1-083(037)089, F-281(9), F-281(10), HES-1-083(073)092, SAP-1-083(06)090, and SNH-1-083(061)097, and as identified on the attached location map.

Attachments

1. Location Map

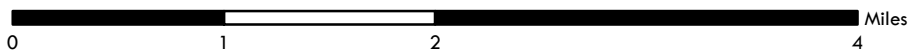
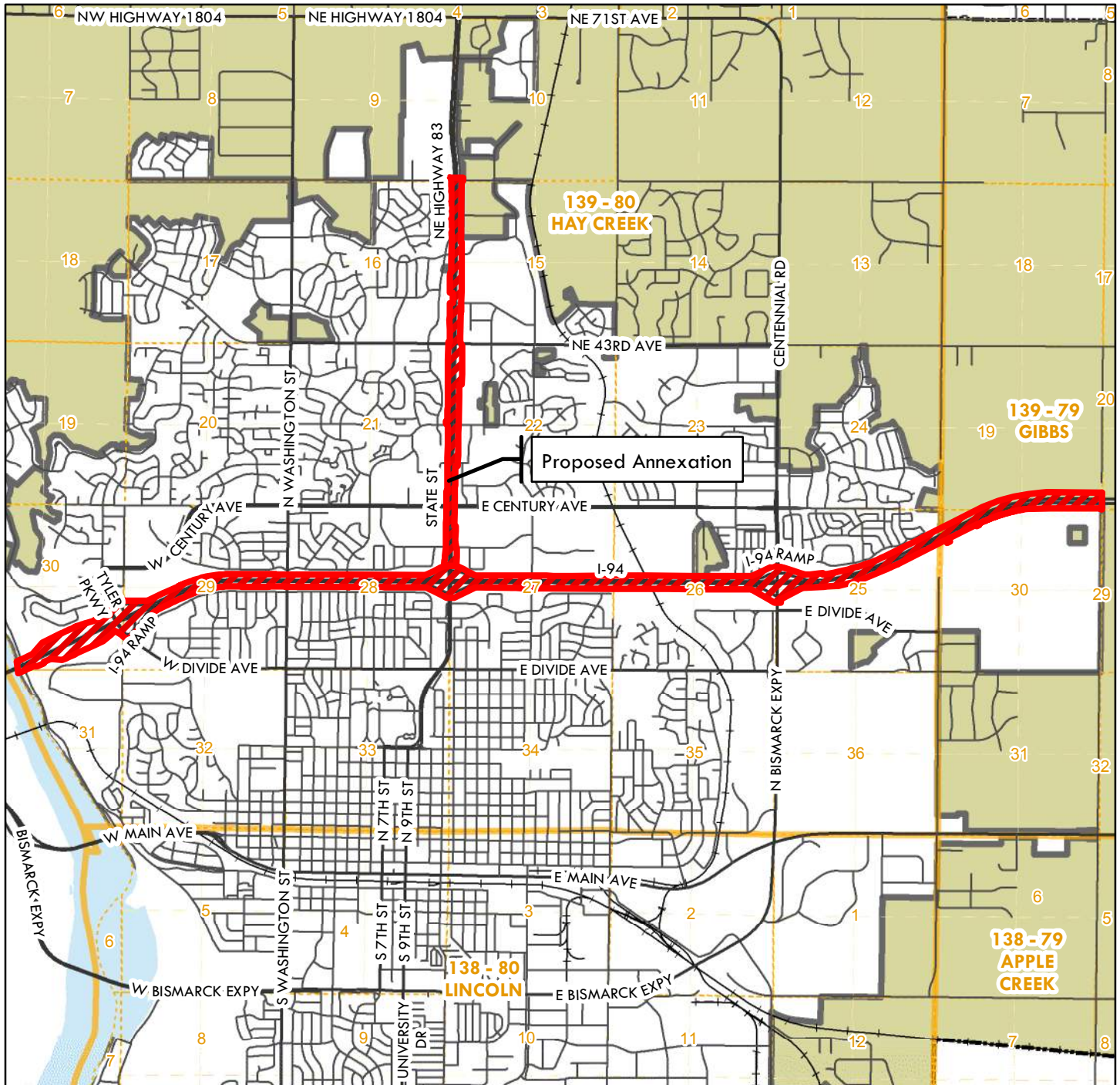
Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov



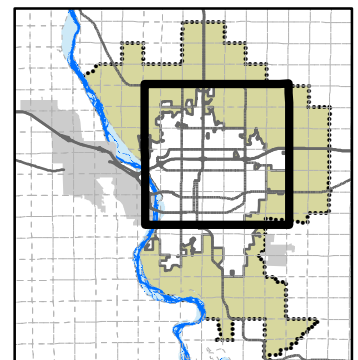
Annexation of NDDOT Right-of-Way

Interstate 94 and State Street/US 83

Project
Location Map



Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
February 14, 2017

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

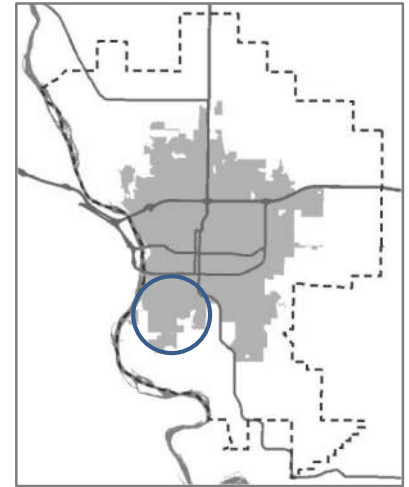
Agenda Item # 7
February 22, 2017

**Application for: Annexation
Zoning Change
Major Final Plat**

TRAKiT Project ID: :ANNX2017-001:
ZC2016-009
FPLT2017-009

Project Summary

<i>Title:</i>	Cottonwood Parkview Addition
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Wachter Family Revocable Trust
<i>Project Contact:</i>	Michael Gunsch, PE, Houston Engineering
<i>Location:</i>	In south Bismarck, south of Santa Fe Avenue and north of East Burleigh Avenue, along the east side of South Washington Street.
<i>Project Size:</i>	71.7 acres
<i>Request:</i>	Plat, rezone and annex property for future residential and commercial development.



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	3 Parcels	<i>Number of Lots:</i>	95 lots in 7 blocks
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Residential and commercial uses
<i>Designated GMP</i>	Low Density Residential	<i>Designated GMP</i>	Low Density Residential
<i>Future Land Use:</i>	Medium Density Residential/Mixed Use	<i>Future Land Use:</i>	Medium Density Residential/Mixed Use
<i>Zoning:</i>	R5 – Residential R10 – Residential	<i>Zoning:</i>	R5 – Residential Conditional R10 – Residential RM10 – Residential RM15 – Residential RM30 – Residential Conditional CA – Commercial P – Public

<i>Uses Allowed:</i>	R5 – Residential R10 – Residential	<i>Uses Allowed:</i>	R5 – Single-family residential Conditional R10 – Two-family residential RM10 – Multi-family residential RM15 – Multi-family residential RM30 – Multi-family Residential Conditional CA – Neighborhood Commercial P – Parks, open space, stormwater facilities, and other public uses
<i>Max Density Allowed:</i>	R5 – Single-family residential R10 – Single and two-family residential	<i>Max Density Allowed:</i>	R5 – 5 units / acre Conditional R10 – 10 units / acre RM10 – 10 units / acre RM15 – 15 units / acre RM30 – 30 units / acre Conditional CA – 30 units / acre P – N/A

Property History

<i>Zoned:</i>	<i>Pre-1980</i>	<i>Platted:</i>	<i>N/A</i>	<i>Annexed:</i>	<i>N/A</i>
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Staff Analysis

Cottonwood Parkview Addition is a proposed major urban subdivision to be located in south Bismarck, south of Santa Fe Avenue and north of East Burleigh Avenue, along the east side of South Washington Street. The development would be predominantly residential in character, but would include neighborhood commercial uses, a large stormwater management pond, and a neighborhood park.

The Planning and Zoning Commission tentatively approved the preliminary plat for Cottonwood Parkview Addition and recommended scheduling a public hearing for the proposed zoning change at their meeting of July 27, 2016.

Growth Management Plan

The Future Land Use Plan in the 2014 Growth Management Plan; as amended, identifies the are of the proposed plat as both Medium Density Residential (MDR) and Low Density Residential (LDR). The western portion of the proposed plat, adjacent to South Washington Street is identified as MDR, which allows for a mix of single and two-family dwellings and calls for densities in a range from 4 to 10 units per acre. The eastern portion of the area of the proposed plat is identified as LDR which allows for single and two-family

residential uses and calls for densities in a range from 1 to 4 units per acre.

The proposed zoning within the plat would generally conform to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.

Neighborhood Park

A Neighborhood Park Agreement has been approved by the Bismarck Park Board. A neighborhood park will be located within the proposed plat, east of Boston Drive. The proposed park will be located on Lot 1, Block 8 of the proposed subdivision and will included a playground and picnic shelter and trail connections to Cottonwood Park via Lot 1, Block 7 of the proposed subdivision.

Hazardous Wildlife Opinion

The proposed plat is located within 10,000 feet of the operations area of the Bismarck Airport and is subject to the provisions of the FAA Advisory Circular 150/5200-33B Hazardous Wildlife Attractants On or Near Airports. A Hazardous Wildlife Opinion for the proposed plat has been submitted in conjunction with the proposed plat.

Special Flood Hazard Area (SFHA)

Portions of the proposed plat are located within the SFHA or 100-year floodplain. Development within this area must comply with Section 14-03-09 of the City Code of Ordinances (FP – Floodplain District). In addition, a Floodplain Development Permit must be obtained prior to any development.

Annexation

The proposed annexation request includes the entire area located within the proposed subdivision including the proposed stormwater management pond and neighborhood park located along the east side of the plat.

Zoning Change

The proposed zoning change allows for single and two-family residential, multi-family residential and neighborhood commercial uses. The conditions outlined below are intended to ensure that the buildings and site development associated with the proposed zoning will not negatively impact the surrounding residential neighborhood and provide a zoning transition between the proposed commercial uses along South Washington Street and the proposed single-family uses in the eastern portion of the plat. In addition, to guarantee that the lots intended for two-family dwellings are platted accordingly.

Lots 4-9, Block 1; and all of Blocks 4, and 6 of the proposed plat would be zoned Conditional R10 – Residential. The following condition would be required:

1. Development is limited to two-family dwellings.

Lots 1 and 2, Block 1 of the proposed subdivision are proposed to be zoned Conditional CA – Commercial. The following conditions will be required:

1. The total building height shall be limited to two stories in height;
2. All exterior lighting shall be designed and installed in a manner intended to limit the amount of off-site impacts to the adjacent residential uses;
3. Illuminated signs will be designed and installed in a manner intended to limit the amount of off-site impacts to the adjacent residential uses and will be directed west toward South Washington Street; and,
4. The proposed buildings will be designed and constructed to create and maintain a high visual

quality and appearance that is comparable and complementary to the adjacent residential uses.

The proposed zoning change and densities associated would be compatible with adjacent land uses provided the conditions outlined in the Conditional CA - Commercial and Conditional R10 – Residential zoning districts are met. Adjacent land uses include a mix of single, two-family and multifamily residential uses to the north, a regional park to the east, a mix of single and multifamily residential uses to the west; and a mix of single, two-family and multi-family uses to the south.

Stormwater Pond

The proposed plat includes a 13-acre stormwater pond. A development agreement entered into that clarifies triggers that would require the City to pursue the acquisition/donation of the stormwater land and construction of the pond and lift station prior to forwarding the proposed requests to the City Commission for consideration.

Required Findings of Fact (relating to land use)*Annexation*

1. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;

(continued)

3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.
8. The proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands,
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation, the zoning change from the R5 – Residential and R10 – Residential zoning districts to the R5 – Residential zoning district for Lots 1-27, Block 6, Conditional R10-Residential zoning district for Lots 4-9, Block 1, and all of Blocks 4 and 6, RM10- Residential zoning district for all of Block 2, RM15 – Residential zoning district for all of Block 3, RM30 – Residential zoning district for Lot 3, Block 1, Conditional CA – Commercial for Lots 1-2, Block 1 and P – Public zoning district for all of Blocks 7 and 8; and, final plat titled Cottonwood Parkview Addition, with the following conditions:

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The stormwater management plan for the subdivision has been approved by the City Engineer;
5. A draft neighborhood park agreement has been accepted by the Bismarck Parks and Recreation District;
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
1. A development agreement entered into that clarifies triggers that would require the City to pursue the acquisition/donation of the stormwater land and construction of the pond and lift station prior to forwarding the proposed requests to the City Commission for consideration.
2. Development of Lots 4-9, Block 1; and all of Blocks 4, and 6 is limited to two-family dwellings.
3. The total building height shall be limited to two stories in height;
4. All exterior lighting shall be designed and installed in a manner intended to limit the amount of off-site impacts to the adjacent residential uses;

Final Plat

(continued)

5. Illuminated signs will be designed and installed in a manner intended to limit the amount of off-site impacts to the adjacent residential uses and will be directed west toward South Washington Street; and,
6. The proposed buildings will be designed and constructed to create and maintain a high visual quality and appearance that is comparable and complementary to the adjacent residential uses.

Attachments

1. Location Map
2. Zoning Map
3. Park Development Agreement
4. Reduction of Preliminary Plat
5. Reduction of Final Plat

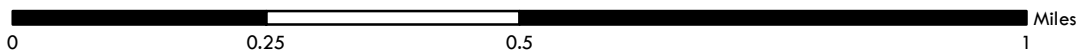
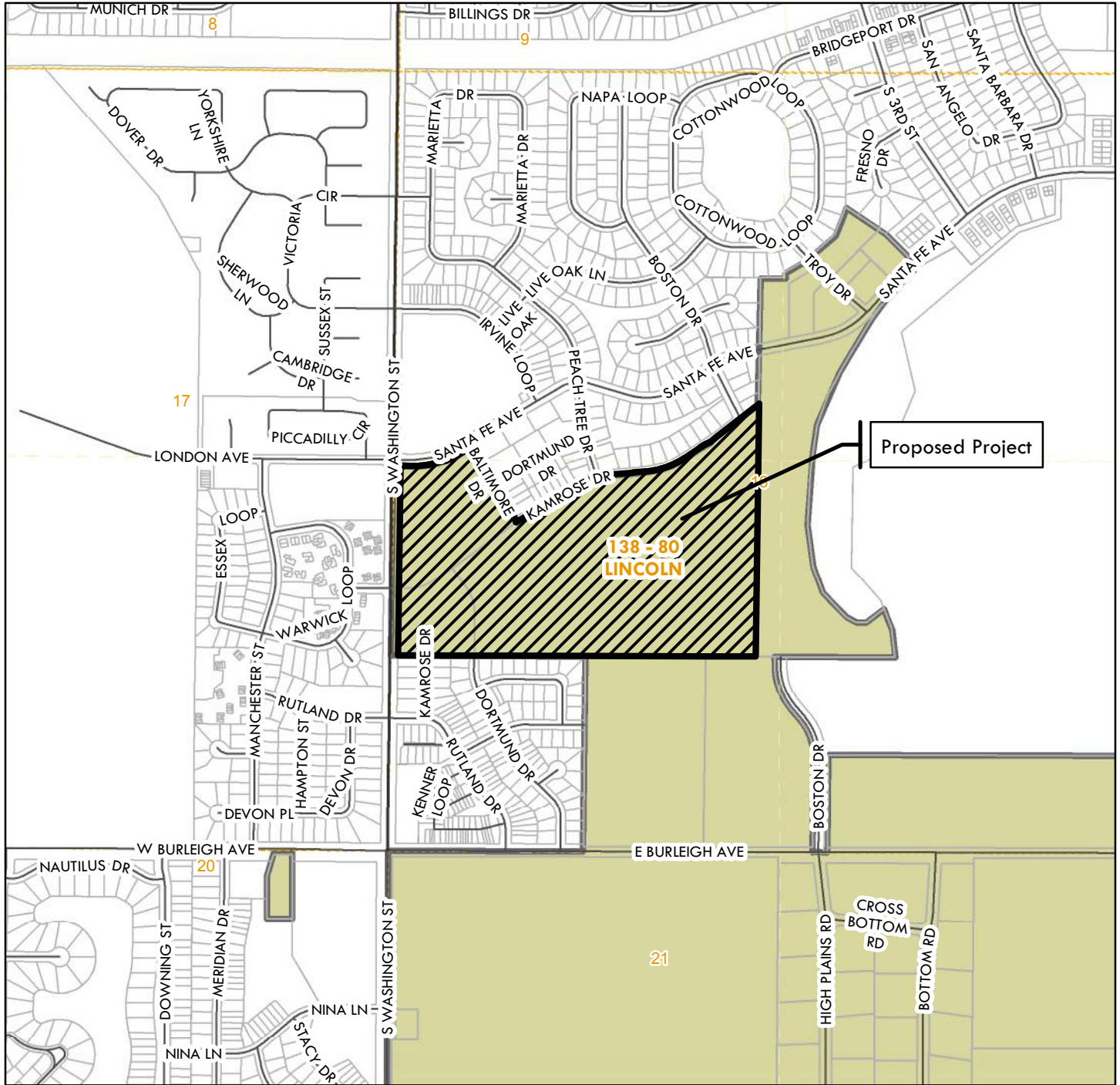
Staff report prepared by: Jenny Wollmuth, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov



Cottonwood Parkview Addition

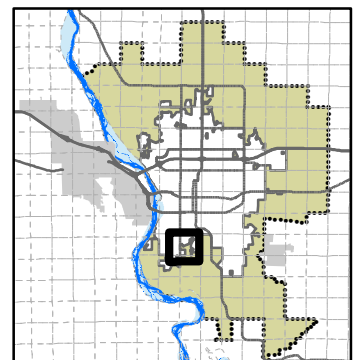
Plat and Zoning Change (R5 and R10 to R5, C-R10, RM10, RM15, RM30, C-CA and P)

Project
Location Map



City Limits Bismarck ETA Jurisdiction

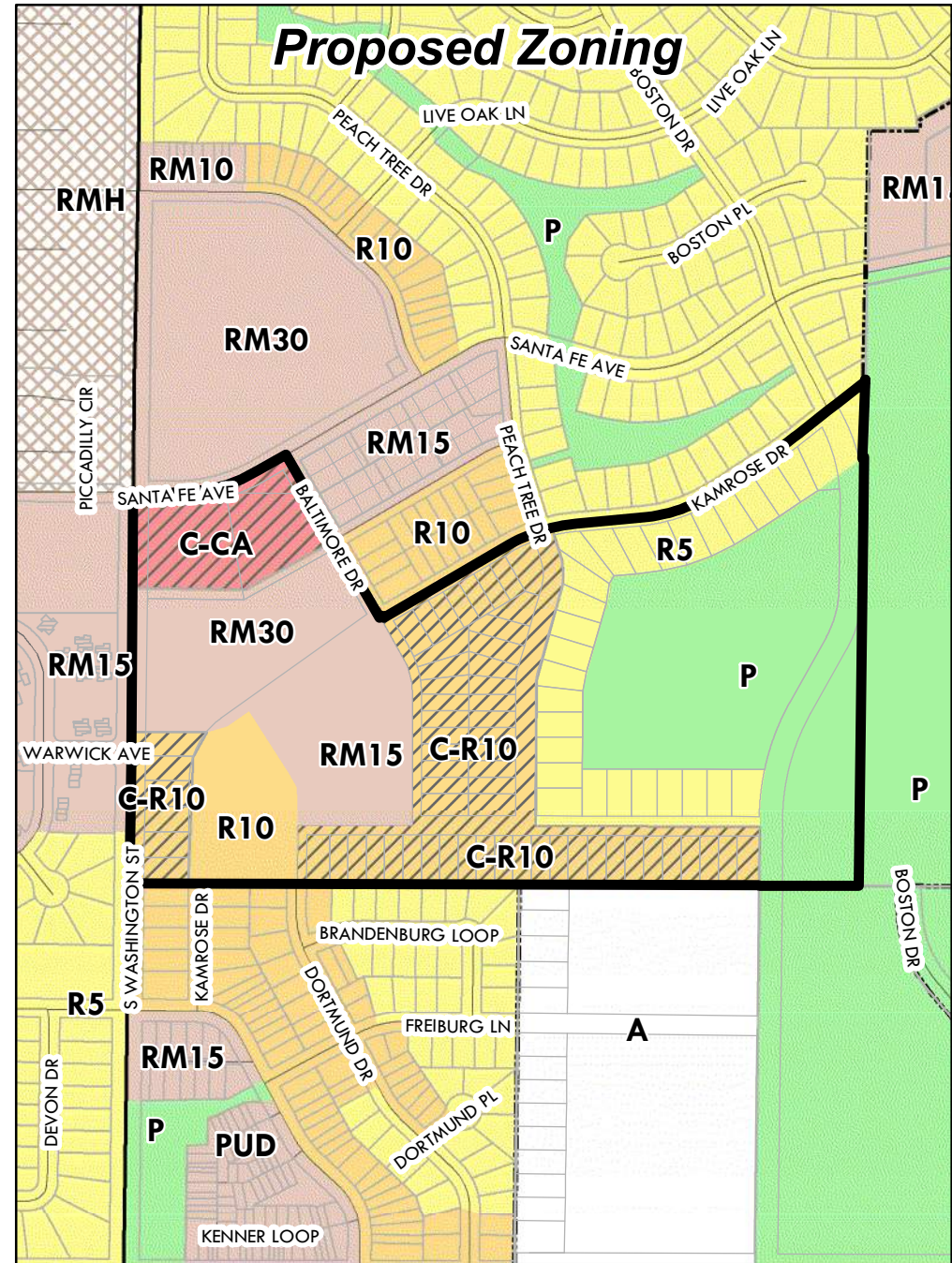
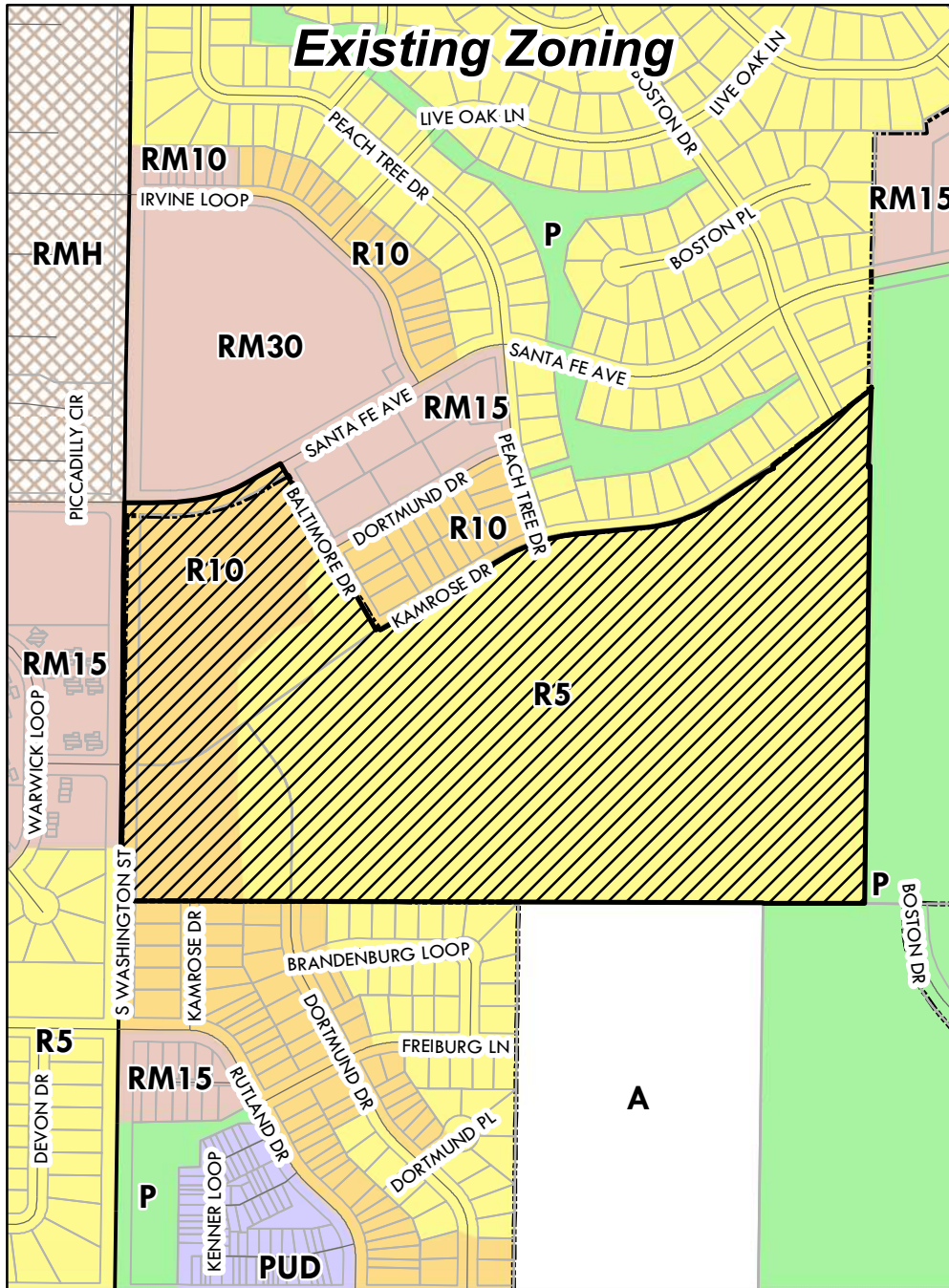
Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
February 9, 2017 (HLB)

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Cottonwood Parkview Addition



 Area Proposed to Change
  City Limits
  Extraterritorial Area

47

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0 295 590 1,180 Feet

February, 2017



PARK DEVELOPMENT AGREEMENT
Neighborhood Park in Cottonwood Parkview Addition

This Park Development Agreement (the "Agreement") is made and entered into this 19th day of January, 2017, by and between **Wachter Family Revocable Trust**, whose post office address is 19045 North 90th Way, Scottsdale, AZ 85255 ("Landowner/Assigns") and the **PARK DISTRICT OF THE CITY OF BISMARCK**, a park district under the laws of the State of North Dakota, 400 East Front Avenue, Bismarck, North Dakota 58504 ("Park District").

Preliminary Statement

The purpose of the neighborhood parks and open space policy is to maintain and enhance the high quality visual aesthetic of the community and to ensure that adequate usable neighborhood parks, open space and recreational facilities are provided for the existing and future residents of the City of Bismarck. Because new development within the City, or intended to be in the City, increases population and the demand for public services, it shall be the policy of the City of Bismarck that the owner and/or Landowner/Assigns of major urban residential subdivision plats provide for neighborhood parks, playgrounds, open space and natural areas, and trails. The provision of such facilities in newly developed areas maintains the high quality of the life enjoyed by the citizens of the community by permitting the City to identify, obtain, continue, maintain and enhance its recreation and open space system.

Landowner/Assigns is the owner of a 3.87 acre, more or less, tract of real property (Park Area) and a 0.33 acre, more or less, tract of real property (Open Space Area) located in, or planned to be annexed to, the City of Bismarck, Burleigh County, North Dakota (the "Landowner/Assigns Property"), specifically described below and delineated on the plat/survey as attached Exhibit A:

Open Space Area - Lot 1, Block 7 (0.33 acres) and
Park Area - Lot 1, Block 8 (3.87 acres) in Cottonwood Parkview Addition

Landowner/Assigns is in the process of planning a residential development on the Landowner/Assigns Property in which the Landowner/Assigns desires to include a neighborhood park of approximately 3.87 acres and a parcel of open space of approximately 0.33 acres on the Landowner/Assigns Property, the location being generally shown on Exhibit A. Landowner/Assigns' focus is to create a community with its own character and to provide residential development and recreational amenities for the support of the community and to promote ease of access in and around the community.

Park District desires to establish an additional neighborhood park in Bismarck and will design the 3.87 acre tract (the "Park Area") and the 0.33 acres tract (the "Open Space Area"), affect the construction of the park amenities and manage the Park Area and Open Space Area, all pursuant to the terms and conditions of this Agreement and the rules and regulations established by the Board of Park Commissioners from time to time.

The Park Area and Open Space Area will play a vital role in this development by not only providing recreational amenities for this community and the surrounding area but also to provide the necessary connections throughout the development to other areas in Bismarck. To the extent appropriate and possible, all trails will ultimately connect to current and future Park District parks.

Agreement

NOW, THEREFORE, in consideration of the above preliminary statements, the terms and conditions of this Agreement, and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Scope of Agreement. This Agreement shall not constitute a partnership or a joint venture by and between the Landowner/Assigns and the Park District. Neither party has a right or obligation to bind the other party to any course of action or commitment as it relates to the development of the Landowner/Assigns Property, including the Park Area that is described herein. Each of the parties is an independent contractor and, although they will coordinate their efforts to develop the Park Area, possibly to include elements of design, access and amenities, neither party is assuming any obligation of the other party.

2. Conveyances. On the date of closing, as herein described, Landowner/Assigns shall cause to be transferred and conveyed to the Park District the approximately 4.20 +/- acres that constitutes this portion of the Park Area and Open Space, as is in the general location as shown on the site plan attached as Exhibit A and further delineated on Exhibit A-1. The terms of the conveyance are described in the attached Exhibit C, Real Estate Contribution Agreement. The parties acknowledge that the approved plat shall dedicate the Park Area to public use.

Landowner/Assigns will provide the Park District with an abstract of title to the Park Area no later than ten (10) days prior to closing. In lieu of an abstract of title, the Landowner/Assigns at its option may provide to the Park District an owner's policy of title insurance in an amount equal to the value of the Park Area as stated in the Real Estate Contribution Agreement.

3. Landowner/Assigns and Park District Obligations. Landowner/Assigns and Park District acknowledge that they will be responsible for the following amenities to be located on the Landowner/Assigns Property and the Park Area:

- a. Specific Neighborhood Park Amenities are described on Exhibit B and will be installed by the Park District and financed through a City of Bismarck special assessment improvement district with the costs for the Specific Park Amenities assessed against the benefitted Lot Owners Property as described in Exhibit A-2.
- b. The Landowner/Assigns shall provide the necessary easements for utilities for the Park Area.
- c. The Landowner/Assigns, at its sole cost and expense, shall provide the following with regard to the Park Area:
 - i. Prepare a complete boundary survey of the Park Area showing all rights-of-way, easements and any other physical burdens that may encumber the Park Area. The Landowner/Assigns shall cause the Park Area to be staked so that it can be later identified by the Park District.
 - ii. The Landowner/Assigns will provide the Park District with copies of such tests, investigations and reports which may have been completed by the Landowner/Assigns including, but not limited to, any soil boring tests and results of environmental testing. Should such test disclose that the Park Area cannot support the intended park development or if there are environmentally hazardous conditions on the Landowner/Assigns Property and/or Park Area, the Park District will not be required to close and accept the portion of the Landowner/Assigns Property to be included in the Park Area.
 - iii. To the best of its ability, the Landowner/Assigns shall provide the Park District with safe access to the Park Area and such areas leading to the Park Area.

4. Park Area Design. The Park District shall develop a design for the Park Area that provides park activities, such as walking trails, shelters and playgrounds. Attached on Exhibit A-1 is the parties' initial concept of the park design. As the Park District designs and plans the Park Amenities for the Park Area, it will provide the Landowner/Assigns with periodic reports.

5. Maintenance. In entering into this Agreement, the Park District contemplates it will maintain the Park Area within its normal park maintenance program and consistent with other parks within the Bismarck area. The Park District will be generally responsible for future maintenance of the Park Area, the trails leading to the Park Area and the equipment and the other Park Amenities in the Park Area.

6. Construction. The construction of the Park Amenities described in Section 3 and as shown on Exhibit B are intended to be completed by one calendar year after annexation is approved.

7. Naming Rights. The Landowner/Assigns shall have the right to name the Park Area, subject to the approval of the Park Board.

8. General Provisions.

- a. This Agreement, together with the other surveys, plans and specifications that have been reviewed by the parties or will later be provided pursuant to this Agreement and the attachments hereto, contain the entire agreement among the parties respecting the matters herein set forth and supersede all prior discussions with respect to such matters. Notwithstanding the above, the parties acknowledge that this is a work in progress and development of the final design for the Park Area will be part of this Agreement.
- b. This Agreement shall be binding upon and inure to the benefit of all the parties and their respective successors and assigns.
- c. This Agreement shall be construed and enforced in accordance with the laws of the State of North Dakota.
- d. This Agreement may be modified only by a written document signed by all parties. A purported oral modification shall not be effective.

LANDOWNER/ASSIGNS:

Wachter Family Revocable Trust

By: Paul C. Wachter
Paul C. Wachter, Trustee trustee

By: Valerie S. Wachter
Valerie S. Wachter, Trustee trustee

PARK DISTRICT:

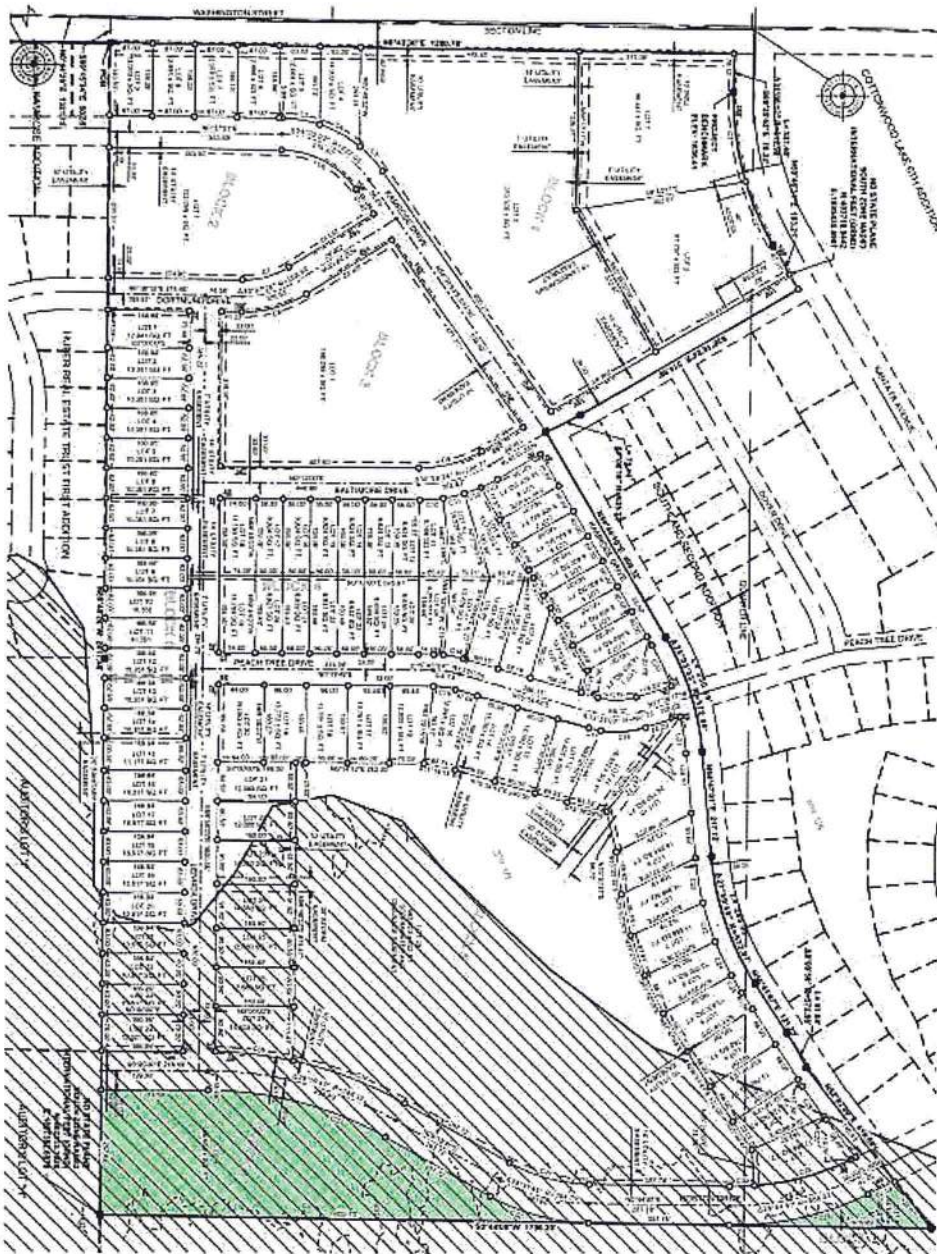
THE PARK DISTRICT OF THE CITY OF BISMARCK

By: [Signature]
Its: President

By: [Signature]
Its: Clerk

COTTONWOOD PARKVIEW ADDITION

A REPLAT OF ADDITION LOT 1 OF THE NW 1/4 AND SW 1/4 AND PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLING COUNTY, NORTH DAKOTA



PLAT INFORMATION

LOT 1 OF THE NW 1/4 AND SW 1/4 AND PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLING COUNTY, NORTH DAKOTA

REPLAT OF ADDITION LOT 1 OF THE NW 1/4 AND SW 1/4 AND PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLING COUNTY, NORTH DAKOTA

REPLAT OF ADDITION LOT 1 OF THE NW 1/4 AND SW 1/4 AND PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLING COUNTY, NORTH DAKOTA

LEGEND

LOT 1 OF THE NW 1/4 AND SW 1/4 AND PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLING COUNTY, NORTH DAKOTA

REPLAT OF ADDITION LOT 1 OF THE NW 1/4 AND SW 1/4 AND PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLING COUNTY, NORTH DAKOTA

REPLAT OF ADDITION LOT 1 OF THE NW 1/4 AND SW 1/4 AND PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLING COUNTY, NORTH DAKOTA

EXHIBIT A-1
Diagram of Park
Area

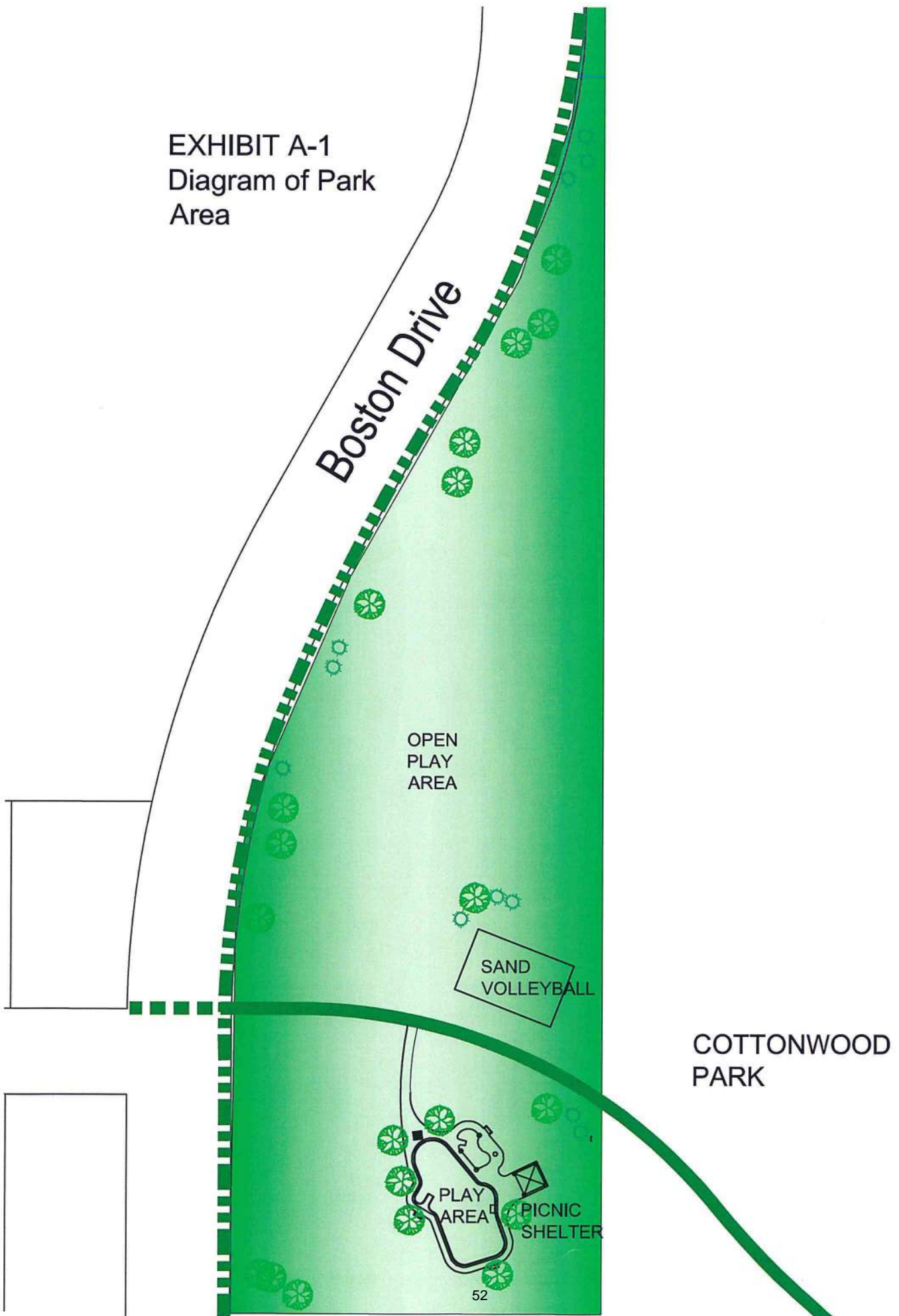
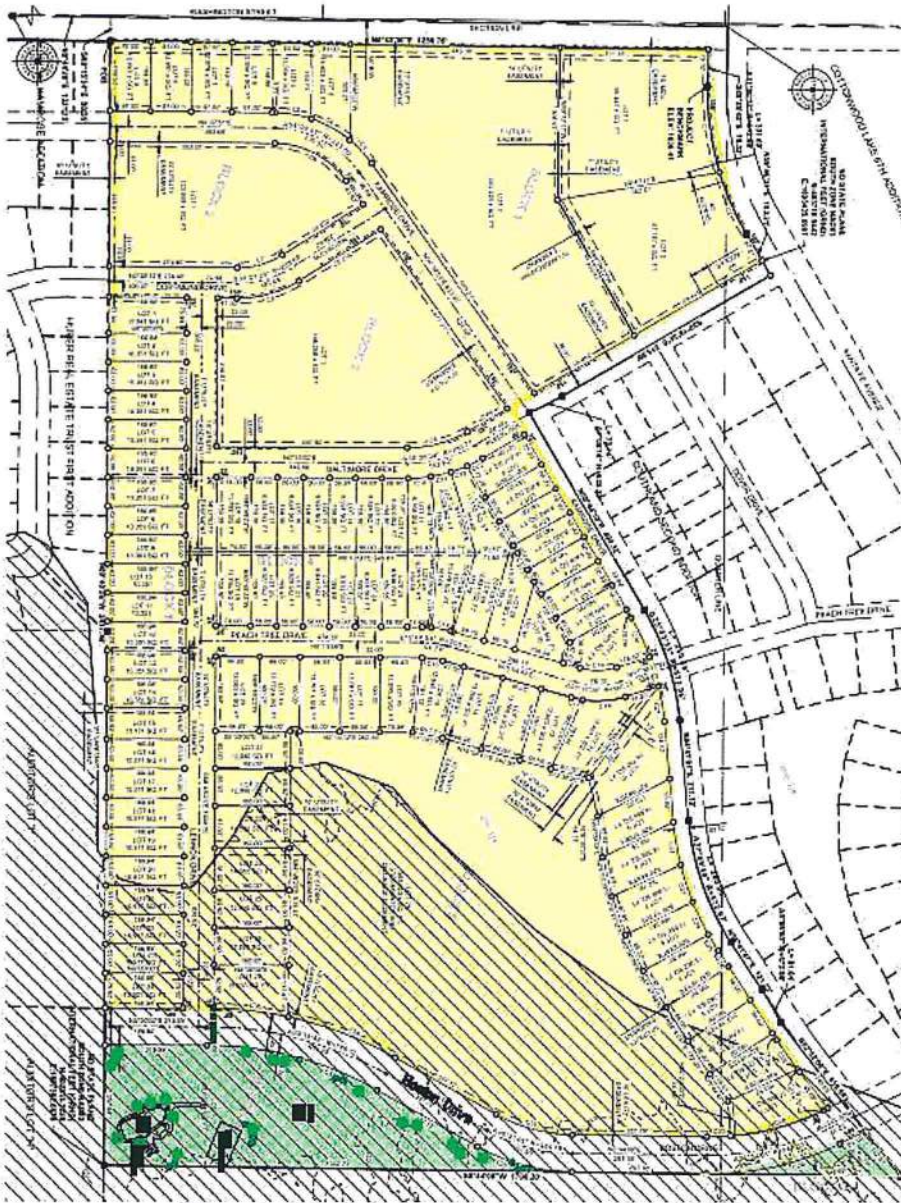


EXHIBIT A-2 - Map of Benefitted Property

COTTONWOOD PARKVIEW ADDITION

A REFAT OF AUTIONS LOT 1 OF THE NW 1/4 AND SW 1/4 AND AUTIONS LOT 1 OF THE SW 1/4 OF THE WEST 1/4 OF SECTION 16, TOWNSHIP 13 NORTH, RANGE 10 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



Park Area
Benefitted Area

PLAT INFORMATION

LOT 1 OF THE NW 1/4 AND SW 1/4 OF THE WEST 1/4 OF SECTION 16, TOWNSHIP 13 NORTH, RANGE 10 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

CONVEYANCE

LOT 1 OF THE NW 1/4 AND SW 1/4 OF THE WEST 1/4 OF SECTION 16, TOWNSHIP 13 NORTH, RANGE 10 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

STAKEOUT NOTES

1. ALL LOTS ARE TO BE CONVEYED TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

LEGEND

LOT 1 OF THE NW 1/4 AND SW 1/4 OF THE WEST 1/4 OF SECTION 16, TOWNSHIP 13 NORTH, RANGE 10 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

EXHIBIT B - Park Amenities and Cost Estimate of Individual Park Amenities

Cottonwood Parkview Neighborhood Park - Cost Estimate

rev. 1/3/2017

	QTY	UNIT	PRICE	TOTAL PRICE
NEIGHBORHOOD PARK FEATURES				
EARTHWORK/IRRIGATION				
General Grading	1	LS	10000.00	\$10,000.00
Irrigation	1	LS	20000.00	\$20,000.00
			Earthwork Total	\$30,000.00
PLAY EQUIPMENT				
Play Equipment & Installation	1	LS	80000.00	\$80,000.00
Wood Fiber	1	LS	6500.00	\$6,500.00
			Play Equipment Total	\$86,500.00
PICNIC SHELTER				
Wood Shelter with Metal Roof	1	LS	50000.00	\$50,000.00
Electric to Shelter	1	LS	10000.00	\$10,000.00
			Shelter Total	\$60,000.00
PAVEMENT				
Shelter Pad	350	SF	6.00	\$2,100.00
Trail Connection to Cottonwood Trails	8730	SF	5.00	\$43,650.00
Play Access Path	215	SY	50.00	\$10,750.00
Play Curb	250	LF	20.00	\$5,000.00
			Paving Total	\$61,500.00
FURNISHINGS				
Benches	2	EA	1200.00	\$2,400.00
Picnic Tables	7	EA	1200.00	\$8,400.00
Grill	1	EA	250.00	\$250.00
			Furnishings Total	\$11,050.00
PLANTINGS				
Evergreen Trees	11	EA	250.00	2,750.00
Deciduous Trees	20	EA	250.00	5,000.00
Ornamental Grasses/Perennials	45	EA	15.00	675.00
Lawn Seed/Prep	184000	SF	0.15	27,600.00
			Plantings Total	36,025.00
			NEIGHBORHOOD PARK AMENITIES TOTAL	285,075.00

Estimated park costs	\$ 285,075
Land costs	\$ -
Estimated consultant fees	\$ 31,358
Assessment fees	\$ 28,508
10% contingencies	\$ 31,643
Total estimated cost	\$ 376,584

REAL ESTATE CONTRIBUTION AGREEMENT

THIS REAL ESTATE CONTRIBUTION AGREEMENT is entered into as of the 19th day of January, 2017, by and between Wachter Family Revocable Trust, whose address is 19045 North 90th Way, Scottsdale, AZ 85255 (as "Contributor") and Park District of the City of Bismarck, a park district under the laws of the State of North Dakota, 400 East Front Avenue, Bismarck, North Dakota 58504 (as "Recipient").

In consideration of the mutual terms, covenants, conditions and agreements herein contained, it is hereby agreed by and between the parties as follows:

1. **Sale of Real Property.** Contributor agrees to contribute, convey, assign, transfer and deliver to Recipient, and Recipient agrees to accept, acquire and take from Contributor, all of Contributor's right, title and interest, in and to that certain real property located at Lot 1, Block 7 and Lot 1, Block 8 in Cottonwood Parkview Addition, in the City of Bismarck, in the County of Burleigh, State of North Dakota.

2. **Contribution Transaction.** Contributor shall transfer the Property to the Recipient for no monetary payment and such transfer is intended to be a charitable gift to Recipient to be used for the public purpose of a park. Recipient represents and warrants that it is a political subdivision of the State of North Dakota, and the Property shall be used for a public purpose.

3. **Closing.** The Closing Date shall be determined after a Park Improvement Special Assessment District for this Property is created by the City of Bismarck. Contributor shall deliver at the time of closing a Warranty Deed conveying title to the Recipient free and clear of all liens and encumbrances and subject to easements, zoning and restrictions of record. Real estate taxes and special assessments shall be prorated to the time of Closing with the Recipient responsible for all taxes accrued after the Date of Closing. The Contributor is responsible for all taxes accrued before the date of closing. Contributor will provide the Recipient with an abstract of title to the real property no later than ten (10) days prior to closing. In lieu of an abstract of title, the Contributor at its option may provide to the Recipient an owner's policy of title insurance in an amount equal to the value of the property.

4. **Possession of the Property.** Recipient shall be given possession of the property on the date of closing.

5. **Risk of Loss.** The risk of loss by destruction or damage to the property by fire or otherwise prior to the closing of the sale is that of the Contributor.

6. **Survival.** All of the terms, covenants, conditions, representations, warranties and agreements of this Real Estate Contribution Agreement shall survive and continue in force and effect and shall be enforceable after the Date of Closing and delivery of the Warranty Deed.

7. **Effective Real Estate Contribution Agreement.** This Real Estate Contribution Agreement shall become effective and shall be binding upon the parties only after it has been executed by all of the parties.

8. **Entire Agreement; Modification.** This Real Estate Contribution Agreement constitutes the entire and complete agreement between the parties and supersedes any prior oral or written agreements between the parties with respect to the Property. It is expressly agreed that there are no verbal understandings or agreements which in any way change the terms, covenants and conditions set forth herein, and that no modification of this Real Estate Contribution Agreement and no wavier of any of its terms and conditions shall be effective unless in writing and duly executed by the parties.

9. **Binding Effect.** All covenants, agreements, warranties and provisions of this Real Estate Contribution Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, representatives, successors and assigns. When used herein, the singular shall include the plural, the plural shall include the singular, and the use of one gender shall include all other genders, as and when the context so requires.

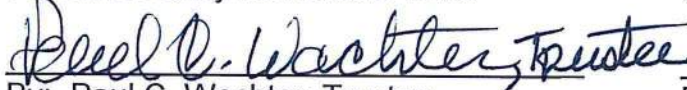
10. **Controlling Law.** This Real Estate Contribution Agreement has been made and entered into under the laws of the state of North Dakota, and said laws shall control its interpretation.

11. **Time of Essence.** Time is of the essence as to all dates and time periods set forth in this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Real Estate Contribution Agreement to be executed as of the date first above written.

CONTRIBUTOR:

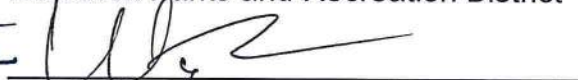
Wachter Family Revocable Trust

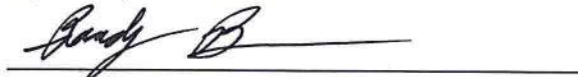
 By: Paul C. Wachter, Trustee

 By: Valerie S. Wachter, Trustee

RECIPIENT:

Bismarck Parks and Recreation District

 By: Wayne Munson, Board President

 By: Randy Bina, Clerk

PETITION FOR PARK IMPROVEMENTS
For lots zoned R5, R10, RM, or RT Residential

DATE: _____

To the Honorable Board of City Commissioners
 Bismarck, North Dakota

Commissioners:

The undersigned owners of the property liable to be assessed for the park improvement respectfully petition your Honorable Board to have park improvements completed on (legal description of lots where park is to be developed):

 Lot 1, Block 8, Cottonwood Parkview Addition

It is agreed that 100% of the costs of said park improvements shall be assessed to the benefited property according to the Bismarck Parks and Recreation District's Basis of Special Assessment Policy.

PROPERTY DESCRIPTION

Lot 1-2, Block 1
 Lot 3, Block 1
 Lots 4-9, Block 1
 Lot 1, Block 2
 Lot 1, Block 3
 Lots 1-30, Block 4
 Lots 1-27, Block 5
 Lot 28, Block 5
 Lots 1-24, Block 6
 Lot 1, Block 7

SIGNATURE and ADDRESS
(Property Owner/s)

x Paul C. Wachter, Trustee
 x Valerie S. Wachter, Trustee
 Wachter Family Revocable Trust
 19045 North 90th Way
 Scottsdale, AZ 85255

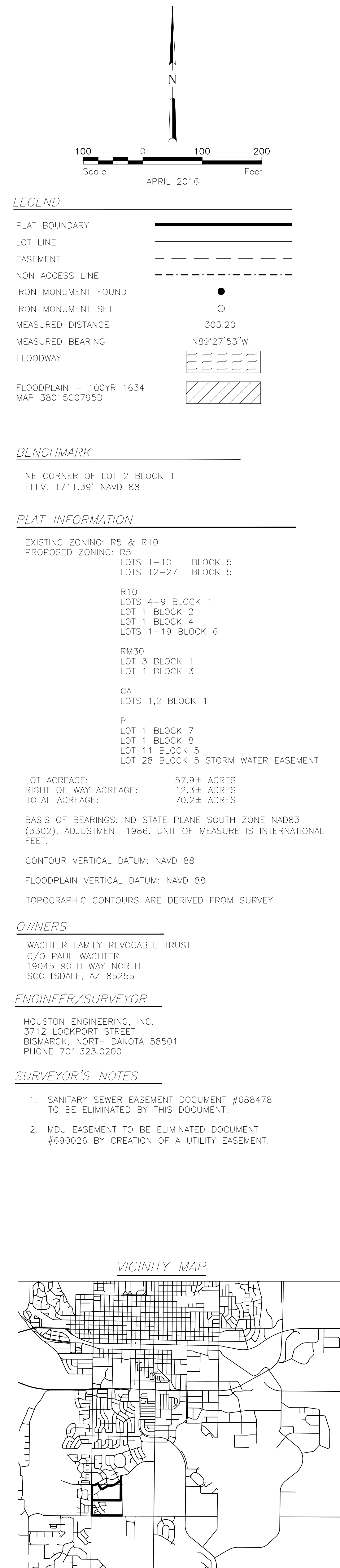
All in Cottonwood Parkview Addition

 For City Engineer Use Only

 Approved by Gabe Schell, P.E.
 City Engineer, Bismarck, ND

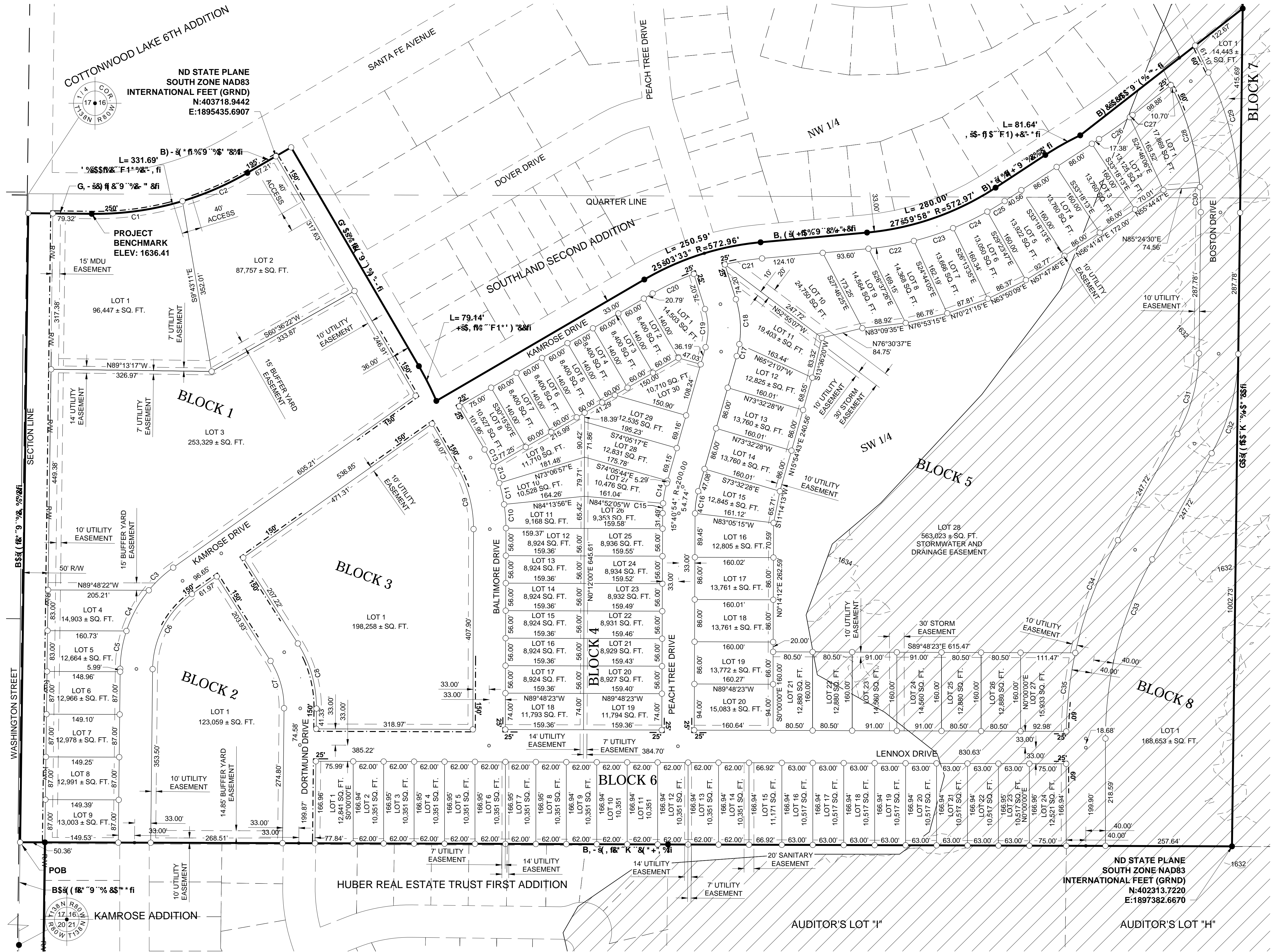
 Date

BEING A REPLAT OF AUDITOR'S LOT J OF THE NW 1/4 AND SW 1/4 AND AUDITOR'S LOT K OF THE SW 1/4
AND
PART OF THE WEST HALF OF
SECTION 16, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



COTTONWOOD PARKVIEW ADDITION

A REPLAT OF AUDITOR'S LOT J OF THE NW 1/4 AND SW 1/4 AND AUDITOR'S LOT K OF THE SW 1/4 AND PART OF THE WEST HALF OF SECTION 16, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



PLAT INFORMATION

LOT ACREAGE: 57.9± ACRES
RIGHT OF WAY ACREAGE: 13.8± ACRES
TOTAL ACREAGE: 71.7± ACRES
NW1/4 ACREAGE: 2.5± ACRES
SW1/4 ACREAGE: 69.2± ACRES

BASIS OF BEARINGS: ND STATE PLANE SOUTH ZONE NAD83 (3302), ADJUSTMENT 1986. UNIT OF MEASURE IS INTERNATIONAL FEET.

CONTOUR VERTICAL DATUM: NAVD 88

FLOODPLAIN VERTICAL DATUM: NAVD 88

TOPOGRAPHIC CONTOURS ARE DERIVED FROM SURVEY

BENCHMARK

N CORNER OF LOT 1 BLOCK 1
ELEV. 1636.41' NAVD 88

UNBUILDABLE LOTS

LOT 28 BLOCK 5 - STORMWATER AND DRAINAGE EASEMENT
LOT 1 BLOCK 7
LOT 1 BLOCK 8

SURVEYOR'S NOTES

- SANITARY SEWER EASEMENT DOCUMENT #688478 TO BE ELIMINATED BY THIS DOCUMENT.
- MDU EASEMENT TO BE ELIMINATED DOCUMENT #600026 BY CREATION OF A UTILITY EASEMENT.

LEGEND

- PLAT BOUNDARY
- LOT LINE
- EASEMENT
- NON ACCESS LINE
- IRON MONUMENT FOUND
- IRON MONUMENT SET
- MEASURED DISTANCE
- MEASURED BEARING
- FLOODPLAIN

FLOODPLAIN - 100YR
1634 (WEST) TO
1632 (EAST)


FEMA MAP NO. 38015C0785D
REVISED AUGUST 4, 2014

Curve Table			
Curve #	Length	Radius	Delta
C1	187.26'	612.98'	17°30'13"
C2	144.43'	612.98'	13°29'59"
C3	68.02'	256.00'	15°13'29"
C4	95.03'	256.00'	21°16'09"
C5	78.37'	256.00'	17°32'25"
C6	179.18'	190.00'	54°02'02"
C7	101.57'	175.69'	33°07'25"
C8	139.72'	241.69'	33°07'25"
C9	134.97'	253.77'	30°28'24"
C10	48.57'	319.77'	8°42'11"

Curve Table			
Curve #	Length	Radius	Delta
C11	44.67'	319.77'	8°00'13"
C12	36.58'	319.77'	6°33'18"
C13	38.20'	319.77'	6°50'43"
C14	41.71'	228.82'	10°26'37"
C15	20.14'	251.07'	4°35'47"
C16	45.71'	167.00'	15°40'54"
C17	24.89'	200.73'	7°06'14"
C18	92.54'	200.73'	26°24'47"
C19	78.81'	134.73'	33°31'00"
C20	92.97'	539.96'	9°51'53"

Curve Table			
Curve #	Length	Radius	Delta
C21	76.79'	539.97'	8°08'52"
C22	93.89'	605.98'	8°52'37"
C23	83.92'	605.96'	7°56'05"
C24	77.58'	605.96'	7°20'09"
C25	41.32'	605.96'	3°54'26"
C26	76.95'	1033.00'	4°16'06"
C27	7.12'	1033.00'	0°23'42"
C28	206.69'	548.53'	21°35'21"
C29	295.25'	628.53'	26°54'51"
C30	257.67'	548.53'	26°54'51"

Curve Table			
Curve #	Length	Radius	Delta
C31	171.68'	344.79'	28°31'45"
C32	211.51'	424.79'	28°31'45"
C33	381.07'	746.12'	29°15'45"
C34	246.21'	826.12'	17°04'33"
C35	161.26'	826.12'	11°11'03"



Houston
Engineering Inc.

Bismarck
P: 701.323.0200
F: 701.323.0300

COTTONWOOD PARKVIEW ADDITION

A REPLAT OF AUDITOR'S LOT J OF THE NW 1/4 AND SW 1/4 AND AUDITOR'S LOT K OF THE SW 1/4 AND PART OF THE WEST HALF OF SECTION 16, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION:

A REPLAT OF AUDITOR'S LOT J OF THE NW 1/4 AND SW 1/4 AND AUDITOR'S LOT K OF THE SW 1/4 AND PART OF THE WEST HALF OF SECTION 16, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF KAMROSE ADDITION TO THE CITY OF BISMARCK, N.D., SAID POINT LYING NORTH 00°44'26" EAST, ON THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 1320.66 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 16; THENCE NORTH 00°44'26" EAST, ON AND ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 1281.12 FEET TO THE SOUTHWEST CORNER OF COTTONWOOD LAKE 6TH ADDITION TO THE CITY OF BISMARCK, ND; THENCE SOUTH 89°25'42" EAST, ON AND ALONG THE SOUTH LINE OF SAID COTTONWOOD LAKE 6TH ADDITION AND THE NORTHERLY LINE OF SAID AUDITOR'S LOT J, A DISTANCE OF 129.32 FEET; THENCE NORTHEASTERLY AND TO THE LEFT, CONTINUING ON AND ALONG SAID NORTHERLY LINE OF AUDITOR'S LOT J AND THE SOUTHERLY LINE OF SAID COTTONWOOD LAKE 6TH ADDITION, A DISTANCE OF 331.69 FEET ON A 612.98 FOOT RADIUS NON-TANGENTIAL CURVE, SAID CURVE HAVING A CHORD OF NORTH 75°15'19" EAST, A DISTANCE OF 327.66 FEET; THENCE NORTH 59°46'31" EAST, CONTINUING ON AND ALONG SAID NORTHERLY LINE OF AUDITOR'S LOT J AND SAID SOUTHERLY LINE OF COTTONWOOD LAKE 6TH ADDITION, A DISTANCE OF 103.21 FEET TO THE NORTHEASTERLY CORNER OF SAID AUDITOR'S LOT J AND THE WESTERLY LINE OF SOUTHLAND SECOND ADDITION TO THE CITY OF BISMARCK, N.D.; THENCE SOUTH 30°16'24" EAST, ON AND ALONG THE EASTERLY LINE OF SAID AUDITOR'S LOT J AND WESTERLY LINE OF SAID SOUTHLAND SECOND ADDITION, A DISTANCE OF 515.99 FEET; THENCE SOUTHEASTERLY AND TO THE RIGHT, CONTINUING ON AND ALONG SAID EASTERLY LINE OF AUDITOR'S LOT J AND SAID WESTERLY LINE OF SOUTHLAND SECOND ADDITION, A DISTANCE OF 79.14 FEET ON A 635.22 FOOT RADIUS NON-TANGENTIAL CURVE, SAID CURVE HAVING A CHORD OF SOUTH 26°43'01" EAST, A DISTANCE OF 79.08 FEET TO THE SOUTHEASTERLY CORNER OF SAID AUDITOR'S LOT J AND THE SOUTHWESTERLY CORNER OF SAID SOUTHLAND SECOND ADDITION; THENCE NORTH 59°44'10" EAST, ON AND ALONG THE SOUTHERLY LINE OF SAID SOUTHLAND SECOND ADDITION, A DISTANCE OF 490.32 FEET; THENCE EASTERLY AND TO THE RIGHT, CONTINUING ON AND ALONG SAID SOUTHERLY LINE OF SOUTHLAND SECOND ADDITION, A DISTANCE OF 250.59 FEET ON A 572.96 FOOT RADIUS NON-TANGENTIAL CURVE, SAID CURVE HAVING A CHORD OF NORTH 72°13'39" EAST, A DISTANCE OF 248.60 FEET; THENCE NORTH 84°47'01" EAST, CONTINUING ON AND ALONG SAID SOUTHERLY LINE OF SOUTHLAND SECOND ADDITION, A DISTANCE OF 217.72 FEET; THENCE NORTHEASTERLY AND TO THE LEFT, CONTINUING ON AND ALONG SAID SOUTHERLY LINE OF SOUTHLAND SECOND ADDITION, A DISTANCE OF 280.00 FEET ON A 572.97 FOOT RADIUS NON-TANGENTIAL CURVE, SAID CURVE HAVING A CHORD OF NORTH 70°44'59" EAST, A DISTANCE OF 277.22 FEET; THENCE NORTH 56°41'47" EAST, CONTINUING ON AND ALONG SAID SOUTHERLY LINE OF SOUTHLAND SECOND ADDITION, A DISTANCE OF 121.23 FEET; THENCE NORTHEASTERLY AND TO THE RIGHT, CONTINUING ON AND ALONG SAID SOUTHERLY LINE OF SOUTHLAND SECOND ADDITION, A DISTANCE OF 81.64 FEET ON A 572.96 FOOT RADIUS NON-TANGENTIAL CURVE, SAID CURVE HAVING A CHORD OF NORTH 60°37'44" EAST, A DISTANCE OF 81.57 FEET; THENCE NORTH 52°02'00" EAST, CONTINUING ON AND ALONG SAID SOUTHERLY LINE OF SOUTHLAND SECOND ADDITION, A DISTANCE OF 419.69 FEET TO THE SOUTHEASTERLY CORNER OF SAID SOUTHLAND SECOND ADDITION; THENCE SOUTH 00°44'00" WEST, A DISTANCE OF 1706.20 FEET TO THE NORTH LINE OF AUDITOR'S LOT H OF THE SE 1/4 OF THE SW 1/4 AND THE SW 1/4 OF THE SE 1/4, OF SECTION 16, T. 138 N., R. 80 W., BURLEIGH COUNTY, N.D.; THENCE NORTH 89°48'26" WEST, ON AND ALONG THE NORTH LINE OF SAID AUDITOR'S LOT H AND THE NORTH LINE OF AUDITOR'S LOT I OF THE SE 1/4 OF THE SW 1/4 AND THE SW 1/4 OF THE SE 1/4, OF SECTION 16, T. 138 N., R. 80 W., BURLEIGH COUNTY, N.D. AND THE NORTH LINE OF HUBER REAL ESTATE TRUST FIRST ADDITION TO THE CITY OF BISMARCK, N.D., AND THE NORTH LINE OF SAID KAMROSE ADDITION, A DISTANCE OF 2467.81 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 71.71 ACRES, MORE OR LESS.

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT PAUL WACHTER AND VALERIE WACHTER, WACHTER FAMILY REVOCABLE TRUST, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESIGNATED HEREON TO BE SURVEYED AND PLATTED AS "COTTONWOOD PARKVIEW ADDITION", TO THE CITY OF BISMARCK NORTH DAKOTA AND DOES SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SANITARY SEWER, WATER, CULVERTS, STORMWATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HERE ON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR LANDSCAPE, GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS LANDSCAPE, STORMWATER, WATERMAIN, AND/OR UTILITY EASEMENTS.

THEY ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR STORMWATER DRAINAGE TO THE CITY OF BISMARCK FOR THE USE OF CHANNELING STORM WATERS IN ACCORDANCE WITH THE CITY OF BISMARCK REQUIREMENTS, UNLESS APPROVED BY THE CITY OF BISMARCK, THESE AREAS SHALL REMAIN UNALTERED EXCEPT FOR REPAIRS AND MAINTENANCE AS DEDICATED HEREIN.

PAUL WACHTER WACHTER FAMILY REVOCABLE TRUST 19045 90TH WAY NORTH SCOTTSDALE, AZ 85255	VALERIE WACHTER WACHTER FAMILY REVOCABLE TRUST 19045 90TH WAY NORTH SCOTTSDALE, AZ 85255
--	---

STATE OF NORTH DAKOTA }
COUNTY OF _____ } ss

ON THIS _____ DAY OF _____, 2017, BEFORE ME PERSONALLY APPEARED PAUL WACHTER AND VALERIE WACHTER, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME ON BEHALF OF THE CORPORATION.

_____, NOTARY PUBLIC
COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____, 20____.

APPROVAL OF CITY PLANNING COMMISSION:

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK ON THE _____ DAY OF _____, 2017, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION, IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER — CHAIRMAN
CARL D. HOKENSTAD — SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED SUBDIVISION OF LAND AS SHOWN ON THE ANNEX PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT, THE FOREGOING ACTION OF THE BOARD OF COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2017.

ATTEST
KEITH J. HUNKE — CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "COTTONWOOD PARKVIEW ADDITION", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

GABRIEL J. SCHELL, CITY ENGINEER

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, TODD MARSHALL, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON THE 4TH DAY OF AUGUST, 2016, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. MONUMENTS TO BE SET PRIOR TO PLAT RECORDATION.

TODD MARSHALL, LAND SURVEYOR LICENSE NO. 4431	HOUSTON ENGINEERING, INC 3712 LOCKPORT STREET BISMARCK, NORTH DAKOTA, 58501
--	---

STATE OF NORTH DAKOTA }
COUNTY OF BURLEIGH } ss

ON THIS _____ DAY OF _____, 2017 BEFORE ME PERSONALLY APPEARED TODD MARSHALL, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

_____, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____, 20____.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 8

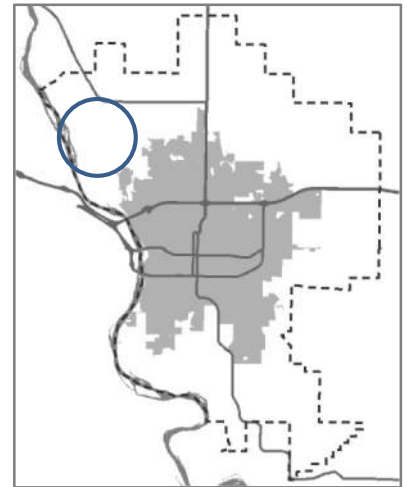
February 22, 2017

Application for: Major Subdivision Preliminary Plat

TRAKiT Project ID: FPLT2016-011

Project Summary

Title:	Freedom Ranch Subdivision
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Sharon Spaedy (Current Owner) Great Plains Land (Applicant)
Project Contact:	Dave Patience, Swenson, Hagen & Co.
Location:	Northwest of Bismarck, west of River Road, south of Sandy River Drive and approximately 650 feet south of the termination of Fernwood Drive.
Project Size:	13.21 acres
Request:	Plat property as one rural residential lot.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	Unplatted	Number of Lots:	1
Land Use:	Undeveloped	Land Use:	Rural Residential
Designated GMP Future Land Use:	Conventional Rural Residential	Designated GMP Future Land Use:	Conventional Rural Residential
Zoning:	RR – Residential	Zoning:	RR – Residential
Uses Allowed:	RR – Large lot single-family residential and limited agriculture	Uses Allowed:	RR – Large lot single-family residential and limited agriculture
Max Density Allowed:	RR – 1 unit per 65,000 square feet	Max Density Allowed:	RR – 1 unit per 65,000 square feet

Property History

Zoned:	Pre-1980	Platted:	N/A	Annexed:	N/A
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Staff Analysis

The proposed plat is being requested to allow development of one single-family rural residential home in a one lot subdivision.

The Planning and Zoning Commission tentatively approved the preliminary plat for Freedom Ranch Subdivision and recommended scheduling a public hearing for the proposed zoning change at their meeting of December 21, 2016.

Section 14-02-03 of the City Code of Ordinances (Definitions) states, "a zoning lot must have a dedicated public right-of-way or permanent, exclusive, non-obstructed access easement to a dedicated public right-of-way, not less than twenty feet wide." A copy of this section of the ordinance is attached.

The proposed subdivision would be accessed through a series of physical and legal access easements starting from Sandy River Drive to the proposed subdivision. An existing access easement exists for a portion of the proposed access route. The remaining portion of the proposed access route is located over the northern 20 feet of Government Lot 1, Section 24, Township 139N, Range 81W, which is located directly to the east of the proposed subdivision. This physical access is an unimproved access and is located on land which will be owned by the applicant once the final plat is recorded. An access easement has been signed and will be recorded to provide legal use of the current physical access facility to the proposed subdivision. This access easement will also legitimize the use by the two rural residences located on unplatted lots located to the northwest of the proposed subdivision, that are currently using the physical access. This easement stipulates that the access easement will be terminated upon future development of Fernwood Drive. A copy of this easement is attached.

Fernwood Drive, which follows the section line, is currently not improved from approximately 650 feet north of the proposed plat to the northern boundary of the plat. Right-of-way has only been platted for portions of this 650 feet, and the rest is covered by the 66 feet of statutory section line right-of-way. The development and extension of Fernwood Drive was determined to not be feasible at this time, however it is

identified as a future arterial in the Fringe Area Road Master Plan.

Although no new public right-of-way will be dedicated with the proposed plat, Burleigh County was consulted regarding the proposed means of access to the proposed plat. The Planning Division of the Community Development defers to the County Engineer for rights-of-way/access to properties located within the extraterritorial area. A waiver from Burleigh County's Gravel Road Improvement Policy was granted by the Burleigh County Commission at their October 17, 2016 meeting and was modified to be consistent with the proposed final plat at their February 6, 2017 meeting.

Emergency Combined Communications noted that the lack of public roads in this plat this may be a public safety issue. Additionally, they indicated that access needs to be able to support emergency vehicle access.

Bismarck Rural Fire was consulted to review and provide feedback about the use of the private access easements for the proposed plat. In a letter dated February 1, 2017, Fire Chief Michael Voight indicated that Rural Fire has concerns about the current physical construction of the road within the private easement and requested that the access be improved to support emergency vehicle access year round. Additionally, emergency response time was indicated as a safety concern. He indicated that all properties served off the access easement should be adequately signed to avoid address confusion during an emergency call. A copy of this letter is attached.

The Hay Creek Board of Supervisors previously recommended approval of the preliminary plat. However, the Board has not had a chance to meet and provide input on the final plat since substantial changes were made, notably the removal of the 40 acres Government Lot 1 located directly to the east. In addition, Staff want to ensure that they are comfortable with the proposed use of access easements and the concerns identified by Bismarck Rural Fire.

The entire proposed subdivision is located within the SFHA or 100-year floodplain. Development within this area must comply with Section 14-03-09 of the City Code of Ordinances (FP – Floodplain District). In

(continued)

addition, a Floodplain Development Permit must be obtained prior to any development.

For RR-Residential zoned properties abutting the Missouri River, additional development standards apply. Section 14-04-01(11) of the City Code of Ordinances (RR Residential District) states that at all structures and on-site sewage treatment facilities shall be setback a minimum of 100 feet from the ordinary high water mark of the Missouri River as indicated on the plat. The ordinary high water mark is delineated on the plat and is defined as “the elevation of the Missouri River at a flow rate of 33,000 cubic feet per second.”

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The stormwater management plan for the subdivision has been approved by the City Engineer with written concurrence from the County Engineer;
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;
6. The Hay Creek Township Board of Supervisors has recommended approval of the proposed preliminary plat but has not yet recommended approval of the proposed final plat;
7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed

subdivision at the time the property is developed;

8. The proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands,
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends holding the public hearing but continuing action on the final plat of Freedom Ranch Subdivision to provide the Hay Creek Board of Supervisors time to review and provide a recommendation on the proposed final plat.

Attachments

1. Section 14-02-03 of the City Code of Ordinances
2. Section 14-04-01(11) of the City Code of Ordinances
3. Location Map
4. Final Plat
5. Preliminary Plat
6. Access Easement
7. Bismarck Rural Fire Department Correspondence, dated February 1, 2017

Staff report prepared by: Will Hutchings, Planner
701-355-1850 |
whutchings@bismarcknd.gov

Section 14-02-03

Lot-Zoning: A tract of land occupied or to be occupied by a principal building and its accessory buildings, together with such open spaces and yards as are required under the provisions of this article, having not less than the minimum area required by this ordinance for a zoning lot in the district in which such land is situated and having its principal frontage on a dedicated public right-of-way or a permanent, exclusive, nonobstructed access easement to a dedicated public right-of-way, not less than twenty feet wide. A "zoning lot" need not necessarily coincide with a "record lot" and may consist of: 1) a single record lot; 2) a portion of a record lot; or 3) a combination of complete record lots, or complete record lots and portions of record lots, or portions of record lots.

Section 14-04-01(11)

Additional Development Standards for Land Abutting the Missouri River. In order to preserve and enhance the environmental and recreational qualities of the Missouri River, conserve the scenic and historic values of the Missouri River shoreland, protect shoreland development from river bank erosion, and provide for the wise use of the river and related land resources, the following additional development standards are hereby established for land abutting the Missouri River platted after November 25, 2003:

- a. Structure Setbacks. All structures shall be setback a minimum of 100 feet from the ordinary high water mark of the Missouri River.
- b. Design Criteria. Structures should be placed and designed in a manner as to reduce visibility as viewed from the river and adjacent shoreland by vegetation, topography or the color of the structure, assuming summer, leaf-on conditions.
- c. Impervious Surface Coverage. The percentage of lot covered by impervious surfaces (structures, paved surfaces, etc.) shall not exceed 25 percent of the lot area.
- d. On-Site Sewage Treatment Facility Setbacks. All sewage treatment facilities, including drainfields, shall be setback a minimum of 100 feet from the ordinary high water mark of the Missouri River.
- e. Stairways, Lifts and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
 - 1) stairways and lifts shall not exceed four feet in width; 2) landings for stairways and lifts shall not exceed 32 square feet in area; 3) canopies or roofs are not allowed on stairways, lifts or landings; 4) stairways, lifts and landings may be constructed on posts/pilings or placed in the ground, provided they are designed and built in a manner than controls soil erosion, meets building code requirements, and does not affect the integrity of bank stabilization projects.
- f. Boat Docks. The placement of boat docks shall be allowed in accordance with the requirements of the North Dakota Century Code and any other applicable regulations.
- g. Shore Impact Zone. Structures and accessory facilities, except stairways and landings, shall not be placed within a shore impact zone.
- h. Steep Slopes. For structures and/or facilities to be placed on steep slopes, the Building Official may attach conditions on the building permit to prevent erosion and preserve existing vegetation.

i. Vegetation Alterations. Intensive vegetative clearing within the shore impact zone and on steep slopes is prohibited. Limited clearing of vegetation is permitted in order to provide a view of the river from the principal dwelling site and to accommodate the placement of permitted stairways, lifts or landings. Removal of vegetation that is dead, diseased or that poses a safety hazard is allowed.

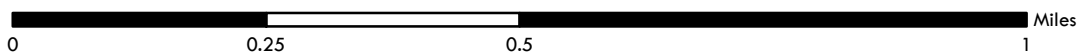
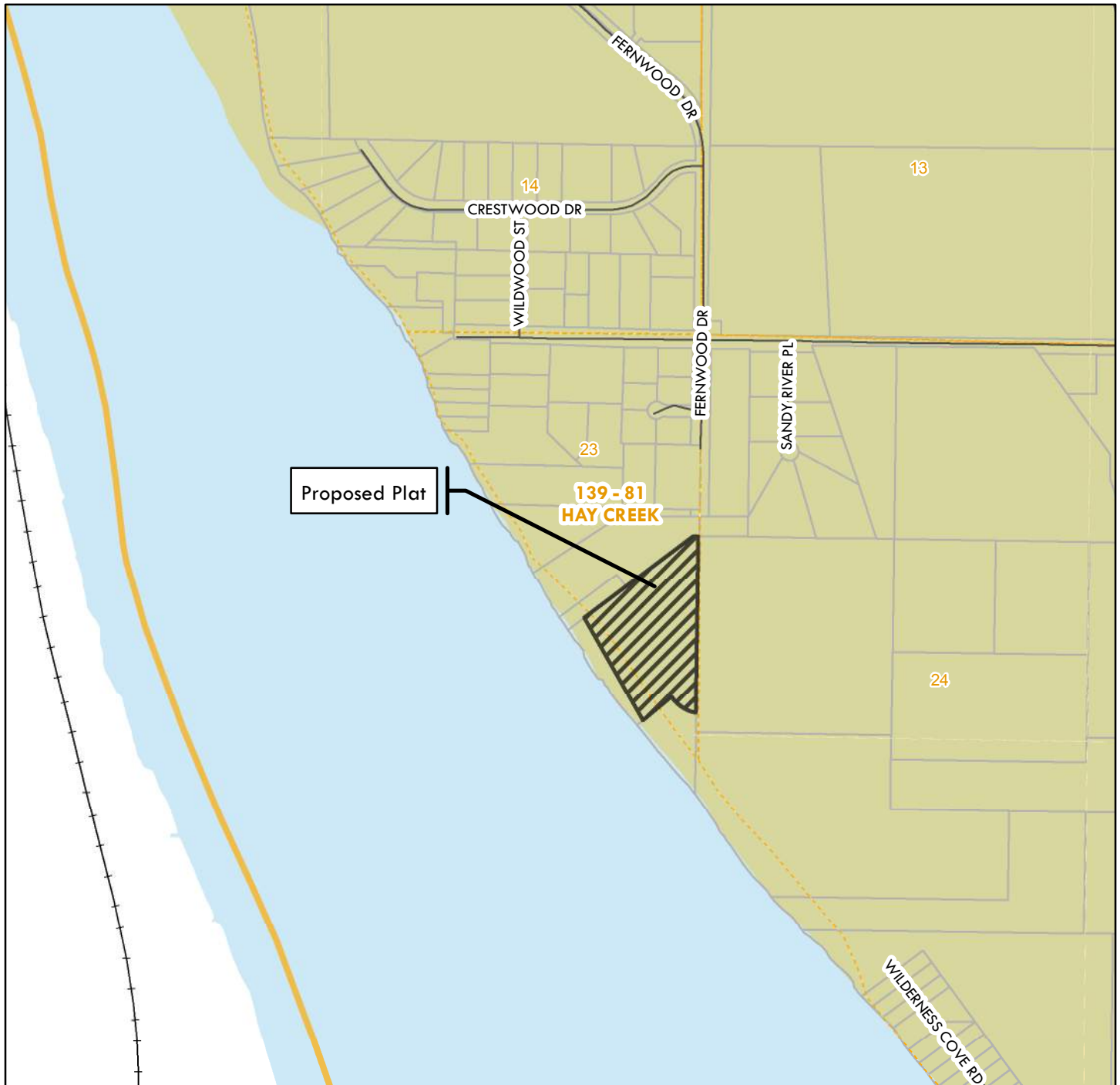
j. Topographic Alterations Above the Ordinary High Water Mark. Grading, filling and excavation necessary for the construction of structures, sewage treatment systems or driveways under validly issued permits shall be allowed. Notwithstanding any other applicable regulations, any other topographic alterations must meet the following standards: 1) alterations shall not adversely affect adjacent or nearby properties; and 2) alterations must be designed and conducted in a manner that minimizes soil erosion, including the installation of erosion control measures as needed.

k. Topographic Alterations Below the Ordinary High Water Mark. All topographic alterations below the ordinary high water mark must be approved by the United States Army Corps of Engineers.



Freedom Ranch Subdivision

Project
Location Map



City Limits

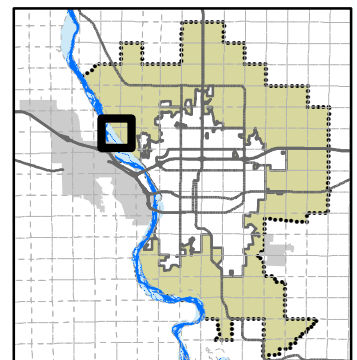
Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
January 31, 2017 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



FREEDOM RANCH SUBDIVISION

PART OF GOV'T LOT 2 AND ACCRETED LANDS SECTION 23 T. 139 N. R. 81 W.

BURLEIGH COUNTY, NORTH DAKOTA

GOVERNMENT LOT 2 AND ACCRETED LANDS SECTION 23 T. 139 N., R. 81 W.

ALL THAT PART OF GOVERNMENT LOT 2 AND ACCRETED LANDS SECTION 23, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:
BEGINNING ON THE EAST LINE OF SECTION 23 A DISTANCE OF 1326.26 FEET FROM THE NORTHEAST CORNER OF SECTION 23; THENCE SOUTH 00 DEGREES 49 MINUTES 52 SECONDS WEST, ALONG THE EAST LINE OF SECTION 23, A DISTANCE OF 1193.51 FEET TO THE NORTHEAST CORNER OF KNUTSEN SUBDIVISION; THENCE WESTERLY AND TO THE RIGHT, ALONG THE BOUNDARY OF KNUTSEN SUBDIVISION, ON A 250.79 FOOT RADIUS CURVE AN ARC DISTANCE OF 167.35 FEET THE RADIUS OF SAID CURVE BEARS NORTH 11 DEGREES 55 MINUTES 39 SECONDS EAST; THENCE NORTH 39 DEGREES 55 MINUTES 44 SECONDS WEST, CONTINUING ALONG THE BOUNDARY OF KNUTSEN SUBDIVISION, A DISTANCE OF 35.00 FEET; THENCE SOUTH 50 DEGREES 15 MINUTES 26 SECONDS WEST, CONTINUING ALONG THE BOUNDARY OF KNUTSEN SUBDIVISION, A DISTANCE OF 250.06 FEET, MORE OR LESS TO THE EAST BANK OF THE BACKWATER CHANNEL OF THE MISSOURI RIVER; THENCE NORTH 29 DEGREES 48 MINUTES 13 SECONDS WEST, ALONG THE EAST BANK OF THE BACKWATER CHANNEL OF THE MISSOURI RIVER, A DISTANCE OF 798.04 FEET; THENCE NORTH 53 DEGREES 10 MINUTES 35 SECONDS EAST A DISTANCE OF 916.53 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 38 SECONDS EAST A DISTANCE OF 35.75 FEET TO THE POINT OF BEGINNING.
THE ABOVE DESCRIBED TRACT CONTAINS 13.21 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON OCTOBER 24, 2016 THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA))
COUNTY OF BURLEIGH)

SWENSON HAGEN & CO
909 BASIN AVE
BISMARCK, ND 58504

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

ON THIS ____ DAY OF _____, 2017, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE ____ DAY OF _____, 2017, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER - CHAIRMAN

CARL D. HOKENSTAD - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE PLAT.
THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE ____ DAY OF _____, 2017.

ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "FREEDOM RANCH SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT GREAT PLAINS LAND, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "FREEDOM RANCH SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA.

THEY FURTHERMORE DEDICATE UNTO THE COUNTY OF BURLEIGH "STORM WATER & DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER & DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THERETO FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA))
COUNTY OF BURLEIGH)

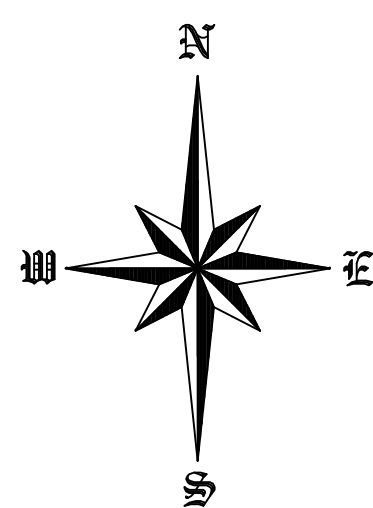
BROOK MAIER
GREAT PLAINS LAND, LLC
1301 EAST FRONT AVENUE
BISMARCK, ND 58504

ON THIS ____ DAY OF _____, 2017, BEFORE ME PERSONALLY APPEARED BROOK MAIER OF GREAT PLAINS LAND, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

FLOODPLAIN INFORMATION

FEMA FLOOD INSURANCE RATE
MAP COMMUNITY PANEL NUMBER
38015C07800 DATED
AUGUST 4, 2014
FLOOD PLAIN ELEVATION-1639.8
(NAVD 88)



SCALE - 1"=100'

0 50' 100' 150'

FEBRUARY 14, 2017
NAVD 88

○ MONUMENT IN PLACE

NOTE:
THE WATER SERVICE AGREEMENT BETWEEN THE CITY OF BISMARCK AND SOUTH CENTRAL REGIONAL WATER DISTRICT WILL ALLOW THE PROVISION OF WATER SERVICE TO SANDY RIVER PLACE SUBDIVISION FOR A PERIOD OF 5 YEARS AND SUBSEQUENT TO THAT TIME, THE CITY MAY, UPON A ONE YEAR NOTICE, REQUIRE SOUTH CENTRAL REGIONAL WATER DISTRICT TO DISCONTINUE WATER SERVICE IF CITY WATER SERVICE IS AVAILABLE.

NOTES

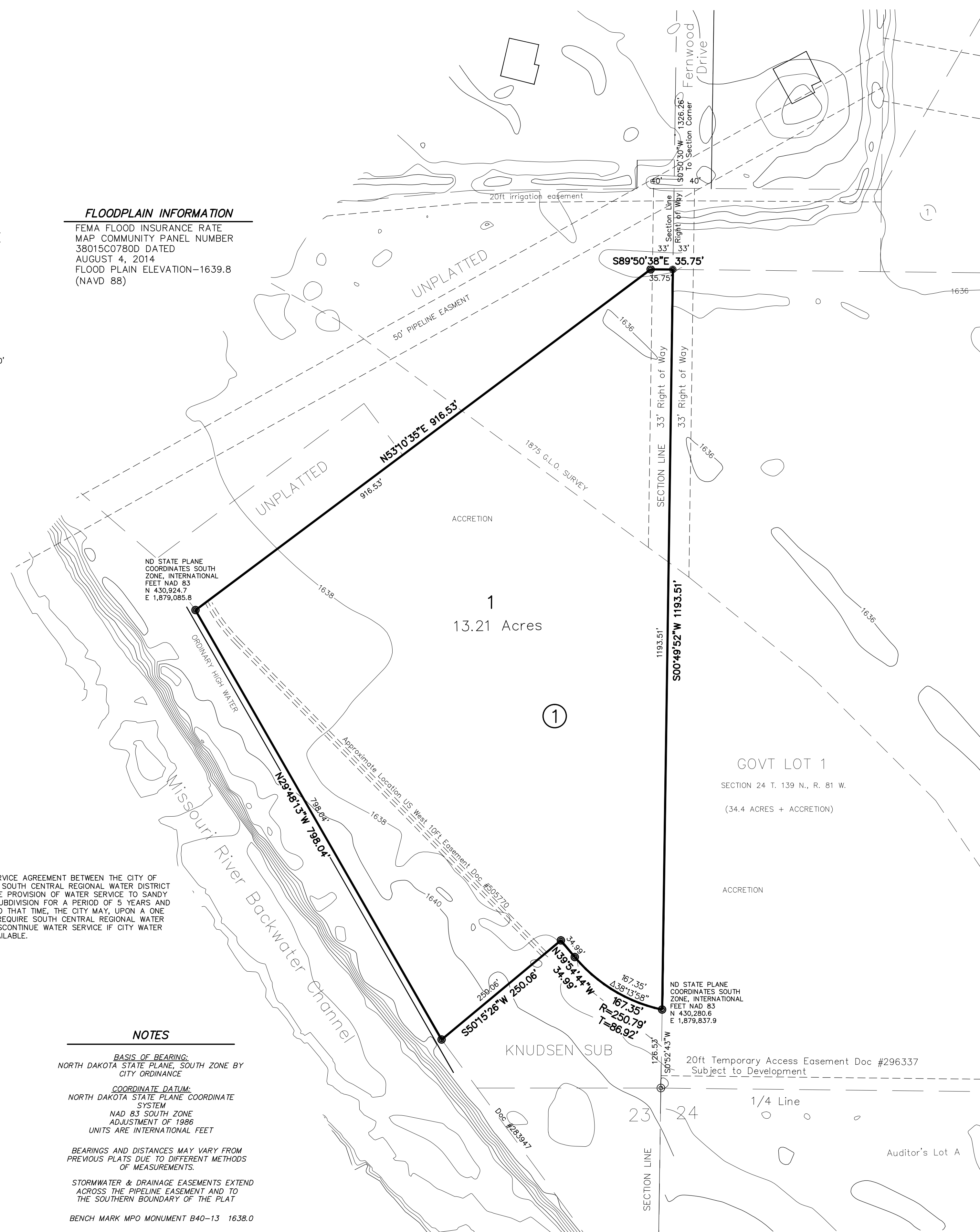
BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

STORMWATER & DRAINAGE EASEMENTS EXTEND
ACROSS THE PIPELINE EASEMENT AND TO
THE SOUTHERN BOUNDARY OF THE PLAT

BENCH MARK MPO MONUMENT B40-13 1638.0



SWENSON, HAGEN & COMPANY P.C.

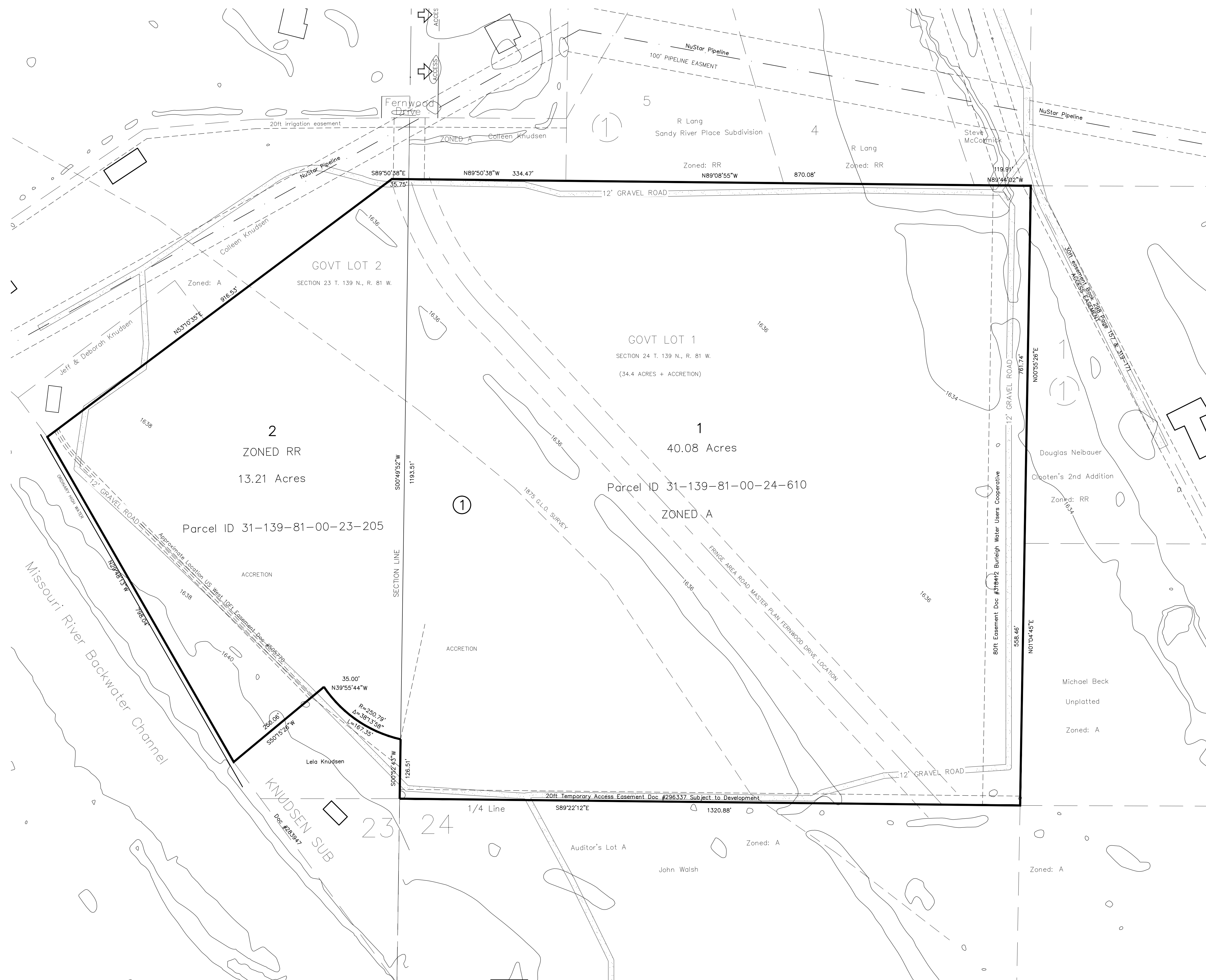
909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensohagen.com
Phone (701) 223-2600
Fax (701) 223-2606

Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

FREEDOM RANCH SUBDIVISION

GOV'T LOT 1 AND ACCRETED LANDS SECTION 24, T. 139 N., R. 81 W.,
PART OF GOV'T LOT 2 AND ACCRETED LANDS SECTION 23 T. 139 N. R. 81 W.

BURLEIGH COUNTY, NORTH DAKOTA

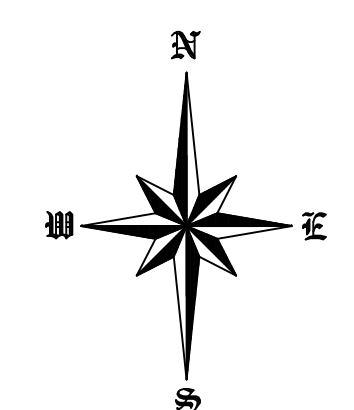


LOCATION MAP

**FEMA FLOOD INSURANCE RATE
MAP COMMUNITY PANEL NUMBER
38015C0780D DATED
AUGUST 4, 2014
FLOOD PLAIN ELEVATION 1639.7
(NAVD 88)**

**53.3 ACRES
EXISTING ZONING: A/RR
2 LOTS**

**OWNER: BROOK MAIER
GREAT PLAINS LAND
ADDRESS: 1301 EAST FRONT AVE
BISMARCK, ND 58504
PHONE: (701) 320-7662**



SCALE - 1" = 100'

VERTICAL DATUM: NAVD 88

NOVEMBER 17, 2016



SWENSON, HAGEN & COMPANY P.C.

909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

ACCESS EASEMENT
GOVERNMENT LOT 1 SECTION 24, T 139 N, R 81 W.
BURLEIGH COUNTY, NORTH DAKOTA

Know all men by these presents that Sharon E. Spady, Bismarck, North Dakota being the owner and proprietor of the properties described below does hereby grant an "Access Easement" for the benefit of the owner of Government Lot 2 and all unplatted properties within section 23, township 139 north, range 81 west, Burleigh County, North Dakota, their heirs and assigns to run with the land for pedestrian and vehicular traffic.

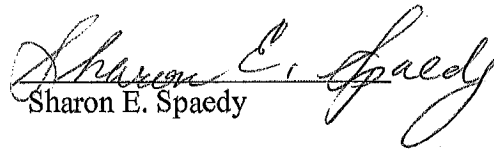
DESCRIPTION

The north 20 feet of Government Lot 1 Section 24, Township 139 North, Range 81 West of the 5th Principal Meridian, Burleigh County, North Dakota.

Said "Access Easement" being granted for all land owning parties of said unplatted lands in section 23 their tenants, visitors and licensees, said access easement to include the full and free right for said parties, their tenants, visitors and licensees, in common with all others having like right at all times hereafter for all purposes connected with the use of said parties, to pass and repass along said easement and to hold said easement to said parties, their heirs and assigns and appurtenant to the land of said parties. The grantee shall be responsible for the improvement and maintenance of the above described "Access Easement".

Said Easement is to remain in effect until such time as the construction of Fernwood Drive is extended to intersect the north line of Government Lot 1.

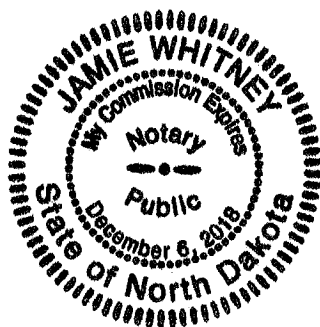
Except as herein granted the Grantor shall continue to have the full use of the property described herein. The Grantee shall hold the Grantor harmless from any claim of damages to the person or premises resulting from the use thereof.

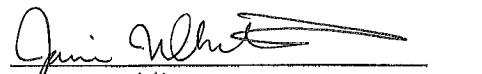

Sharon E. Spady

State of North Dakota)

County of Burleigh)

On this 13 day of February, 2017, before me personally appeared Sharon E Spady, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that such executed the same.




Notary Public
Burleigh County, ND
My Commission Expires 12-6-18



Bismarck Rural Fire Department

5800 East Main
Bismarck, ND 58501

"Dedicated to the people we serve"

Phone (701)-258-5792
FAX (701)-258-2868

February 1, 2017

RE: Freedom Ranch Plat Access

Sent via e-mail
William Hutchings, Planner
Community Development Department
Bismarck, ND

Mr. Hutchings:

Thank you for allowing the Bismarck Rural Fire Department to assist your office in reviewing the proposed final plat for the Freedom Ranch located NW of Bismarck in our Fire Protection District.

After looking over the materials provided by your office I have concerns that I feel should be addressed prior to allowing this project to move forward. My biggest concern is that the plan utilizes a 'private road' to potentially make access to three residences. Historically what the construction of a private road consists of has been left up to the interpretation of whomever is building the road.

We recently experienced a structure fire, adjacent to an occupied home, at the end of a long and narrow private road like the one being proposed here. We literally could not fight the fire in the building of origin because we had to conserve water and use it to keep the nearby home from burning. The private road was so long and narrow we could not establish an effective firefighting system on it which caused us to have to sacrifice property to ensure we had the resources needed to protect the primary dwelling.

I understand that the long-term plan is to eventually extend Fernwood Dr. south through this subdivision but until that happens the proposed private road should, at the very least, be required to be built to all applicable county standards for drainage, width, compaction, grade, slope, etc. Doing so will not only ensure that this road is usable in an emergency but it has the added benefit that it can be maintained as a secondary egress for the subdivision when additional property is added at a later date.

As it stands now the proposed private road runs through areas prone to flooding, water pooling following rain, snow drifts, and mud. These conditions make access in a private vehicle difficult let alone trying to do it in our trucks. Without some requirement to ensure a properly designed road is provided we essentially are creating unnecessary risk.

I am also concerned about how this location will be signed and addressed. We are finding these long private roads leading to homes in the county are often either not signed at all or so poorly signed it is hard to tell what exactly they are for. Compounding this problem is when we (and other responders) use a CAD computer to respond to these private road locations the system typically directs us to a location of the address but we then discover the actual location of the incident is much farther away, on a private road, that does not appear in the CAD system, and in a different location that should technically be a different address but the address being used is where the private road meets the nearest road. Again, if this junction is not well signed it can be very easy to not know that a private road exists and it could appear to lead into nowhere when it may actually go some distance to a dwelling.

My final concern is that this is the only way in and out of this location.

In summary, the Fire Department is willing to agree to allowing these homes to be served in the short term by a private road as long as the private road meets all applicable county standards for an actual road. Once Fernwood Dr. is extended this private road could continue to be used for secondary entrance and egress which is also necessary. We also expect that the private road will be adequately signed to designate the dwellings it serves to avoid confusion when using CAD equipment during an emergency response.

I appreciate you seeking our input in this matter and if you have anything further you would like to discuss about this plat please do not hesitate to contact me once again. Thank you.

Sincerely,

Michael Voigt

Michael Voigt
Fire Chief



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 9

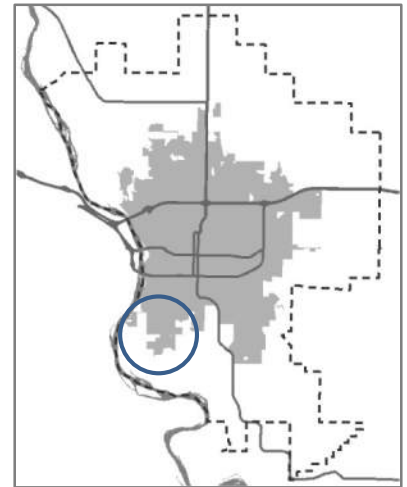
February 22, 2017

Application for: Minor Subdivision Final Plat

TRAKiT Project ID: MPLT2017-001

Project Summary

Title:	South Meadows Addition First Replat
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Paramount Builders, Inc.
Project Contact:	Landon Niemiller – Swenson, Hagen & Company, P.C.
Location:	In south Bismarck, south of West Burleigh Avenue and west of South Washington Street (replat of Lot 22, Block 3, South Meadows Addition).
Project Size:	2.3 acres
Request:	Replat property to create 11 lots to allow development of a 4 unit rowhouse, 6 unit rowhouse and a common lot.



Site Information

Existing Conditions

Number of Lots:	1
Land Use:	Undeveloped
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	RM15 – Residential
Uses Allowed:	RM15 – Multi-family residential
Max Density Allowed:	RM15 – 15 units / acre

Proposed Conditions

Number of Lots:	11
Land Use:	Residential
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	RM15 – Residential
Uses Allowed:	RM15 – Multi-family residential
Max Density Allowed:	RM15 – 15 units / acre

Property History

Zoned:	09/2014	Platted:	10/2014	Annexed:	09/2014
---------------	---------	-----------------	---------	-----------------	---------

Staff Analysis

The applicant is requesting a replat of Lot 22, Block 3, South Meadows Addition to create 11 lots for the development of a 4 unit rowhouse, a 6 unit rowhouse and a common lot.

The proposed plat is located in the RM15-Residential zoning district. Ten of the proposed lots are intended for rowhouses and will conform to the RM15-Residential zoning district provisions. Lot 7 of the proposed addition is a non-conforming, non-buildable common lot that will be owned and maintained by the owners of

(continued)

the other 10 lots in the subdivision. Homeowner Association documents that detail the common ownership and maintenance requirements of Lot 7 would need to be finalized and recorded in conjunction with the plat.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a minor subdivision final plat have been met;
2. The requirement to provide a stormwater management plan has been waived by the City Engineer, as this area was covered by the plan approved for the underlying subdivision;
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and

5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat for South Meadows Addition First Replat, with the following condition:

1. Homeowner Association documents must be filed assigning common ownership and maintenance of Lot 7 in conjunction with the final plat.

Attachments

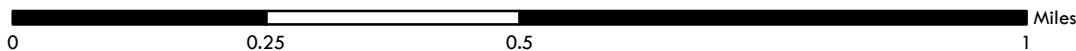
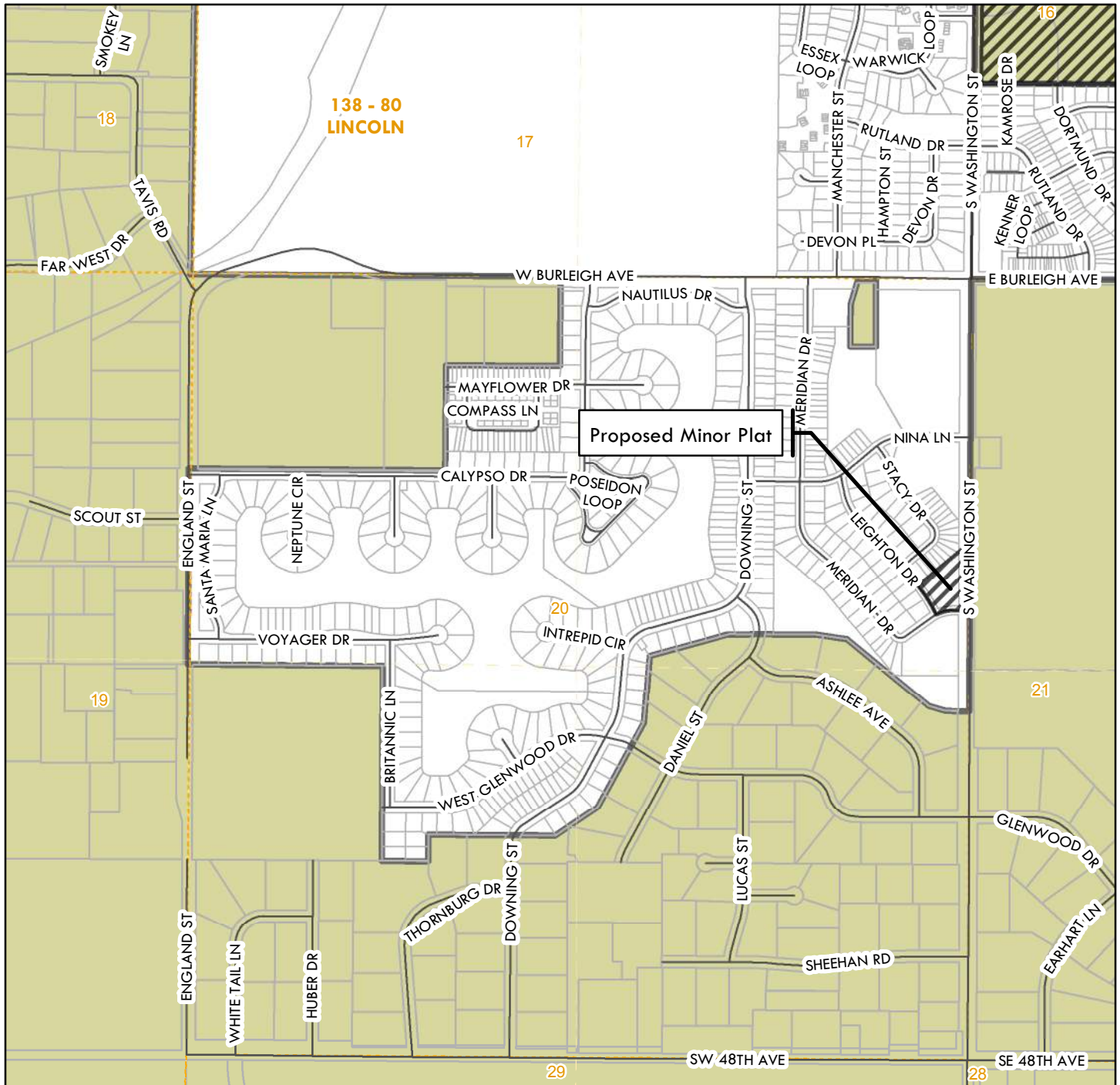
1. Location Map
2. Zoning Map
3. Minor Subdivision Final Plat

Staff report prepared by: Will Hutchings
701-355-1850 | whutchings@bismarcknd.gov



South Meadows Addition First Replat

Project
Location Map



City Limits

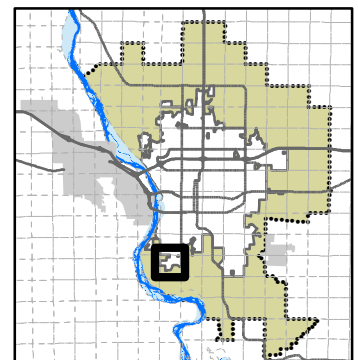
Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
February 8, 2017 (HLB)

This map is for representational use only and does
not represent a survey. No liability is assumed as
to the accuracy of the data delineated hereon.



SOUTH MEADOWS ADDITION FIRST REPLAT

BEING A REPLAT OF LOT 22 BLOCK 3 SOUTH MEADOWS ADDITION
AND PARTS OF SOUTH WASHINGTON STREET, MERIDIAN DRIVE, AND LEIGHTON DRIVE RIGHTS OF WAY

PART OF THE NE 1/4 OF SECTION 20, T 138 N., R 80 W.

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING A REPLAT OF LOT 22 BLOCK 3 SOUTH MEADOWS ADDITION FIRST REPLAT, AND PARTS OF SOUTH WASHINGTON STREET, MERIDIAN DRIVE, AND LEIGHTON DRIVE RIGHTS OF WAY, PART OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 138 NORTH, RANGE 80 WEST, BISMARCK, BURLEIGH COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 14 BLOCK 3 SOUTH MEADOWS ADDITION; THENCE SOUTH 89 DEGREES 44 MINUTES 27 SECONDS EAST, A DISTANCE OF 75.00 FEET TO THE EAST LINE OF SECTION 19; THENCE SOUTH 00 DEGREES 15 MINUTES 33 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 401.02 FEET TO THE CENTERLINE OF MERIDIAN DRIVE RIGHT OF WAY; THENCE NORTH 89 DEGREES 44 MINUTES 27 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 113.39 FEET; THENCE SOUTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID CENTERLINE, ON A 250.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 117.85 FEET TO THE CENTERLINE OF LEIGHTON DRIVE RIGHT OF WAY; THENCE NORTH 26 DEGREES 44 MINUTES 56 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 23.20 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID CENTERLINE, ON A 1000.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 209.88 FEET TO THE SOUTHWESTERLY EXTENSION OF THE SOUTHEAST LINE OF LOT 21 BLOCK 3 SOUTH MEADOWS ADDITION; THENCE NORTH 50 DEGREES 16 MINUTES 38 SECONDS EAST, ALONG SAID SOUTHWESTERLY EXTENSION AND THE SOUTHEASTERLY LINES OF LOTS 14-21 BLOCK 3 SOUTH MEADOWS ADDITION, A DISTANCE OF 361.01 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 100,068 SQUARE FEET, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON 2017, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)
SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504
TERRY BALTZER
REGISTERED LAND SURVEYOR
N.D. REGISTRATION NO. 3595

ON THIS 4 DAY OF JANUARY, 2017, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 4 DAY OF JANUARY, 2017, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER - CHAIRMAN
CARL D. HOKENSTAD - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.
THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 4 DAY OF JANUARY, 2017.

ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "SOUTH MEADOWS ADDITION FIRST REPLAT", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT PARAMOUNT BUILDERS, INC. BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SOUTH MEADOWS ADDITION FIRST REPLAT", BISMARCK, NORTH DAKOTA, AND DO SO RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, WATERMAIN, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

THEY FURTHERMORE GRANT ACCESS EASEMENTS FOR ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, SAID EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTIES. THEY ALSO DEDICATE SAID ACCESS EASEMENT TO AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL USE OR USES IT DEEMS NECESSARY OR ADVISABLE, PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF PROPERTY IN THE SUBDIVISION.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)
SCOTT STOECKEL
PARAMOUNT HOMES, INC.
1407 TACOMA AVE
BISMARCK, N.D. 58504

ON THIS 4 DAY OF JANUARY, 2017, BEFORE ME PERSONALLY APPEARED SCOTT STOECKEL OF PARAMOUNT HOMES, INC. KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES



SCALE: 1"=30'
JANUARY 4, 2017
NAVD 88

○ MONUMENT TO BE SET
● MONUMENT IN PLACE

AREA DATA			
LOTS	58,882 S.F.	1.35 ACRES	
STREETS	41,186 S.F.	0.95 ACRES	
TOTAL	100,068 S.F.	2.30 ACRES	

NOTES

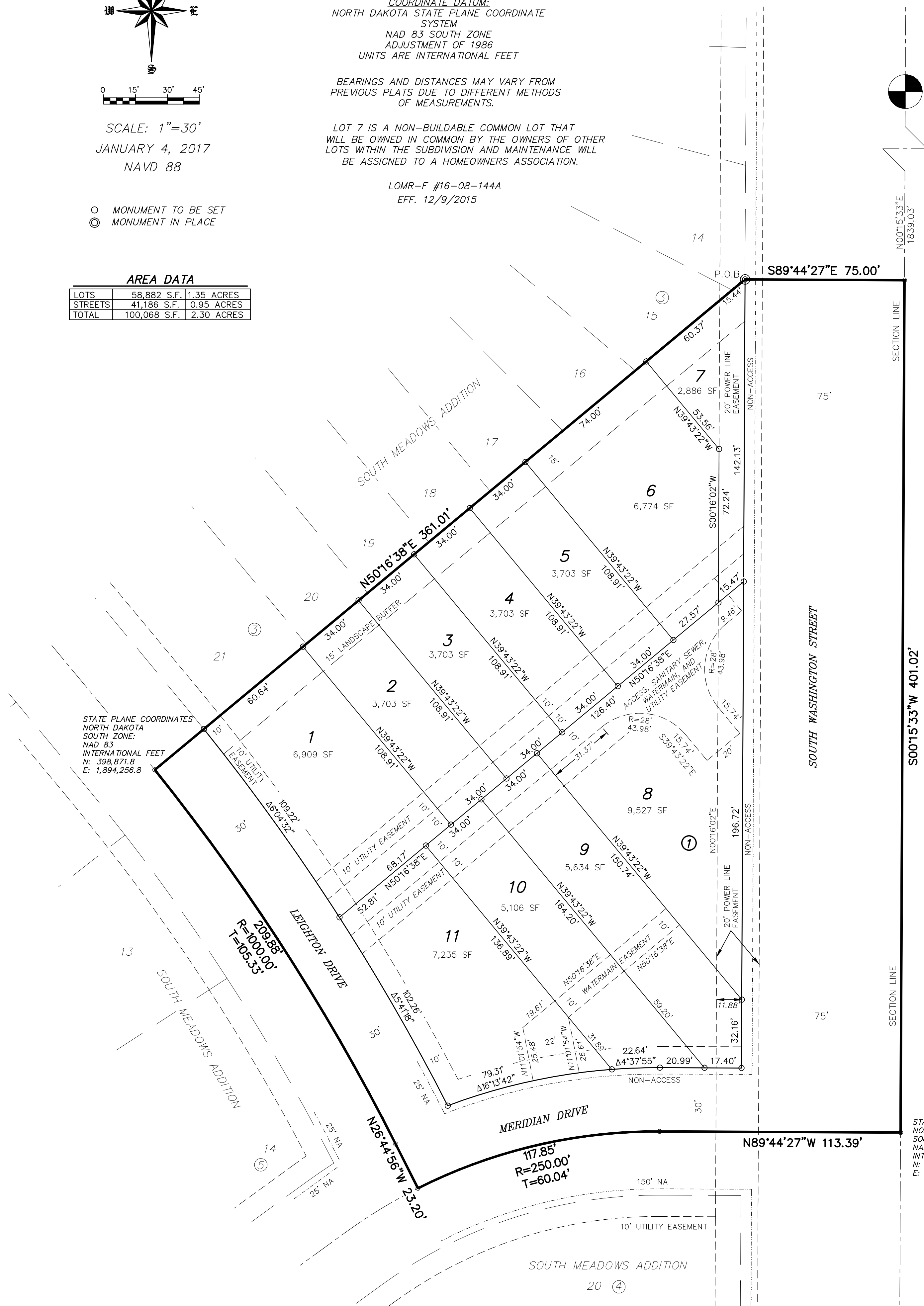
BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

LOT 7 IS A NON-BUILDABLE COMMON LOT THAT
WILL BE OWNED IN COMMON BY THE OWNERS OF OTHER
LOTS WITHIN THE SUBDIVISION AND MAINTENANCE WILL
BE ASSIGNED TO A HOMEOWNERS ASSOCIATION.

LOMR-F #16-08-144A
EFF. 12/9/2015



NE CORNER
SECTION 20
TOWNSHIP 138 NORTH
RANGE 80 WEST

LOMR-F #16-08-144A
EFF. 12/9/2015



SWENSON, HAGEN & COMPANY P.C.

Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223-2600
Fax (701) 223-2600



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 10

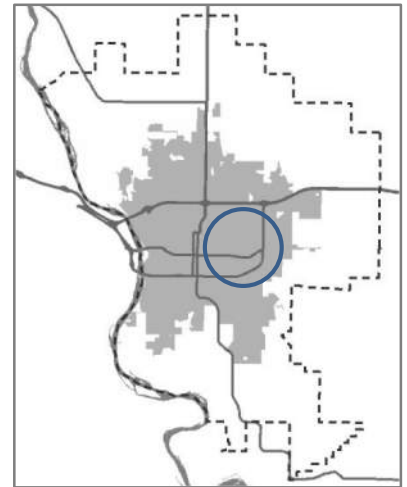
February 22, 2017

Application for: Zoning Change

TRAKiT Project ID: ZC2016-023

Project Summary

Title:	Auditor's Lots 7 and Auditor's Lot 8B of Auditor's Lot 8 of the SE ¼ of Section 1, Lincoln Township
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Matt Geiger, 161 Commercial, LLC
Project Contact:	Matt Geiger, 161 Commercial, LLC
Location:	East of Bismarck, between County Highway 10/East Main Avenue and Apple Creek Road, along the west side of 52 nd Street Southeast.
Project Size:	44.68 acres
Request:	Rezone property for future platting and development.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 unplatted parcels	Number of Lots:	2 unplatted parcels
Land Use:	Vacant / Undeveloped	Land Use:	Light Industrial
Designated GMP	Industrial	Designated GMP	Industrial
Future Land Use:		Future Land Use:	
Zoning:	A – Agricultural	Zoning:	Conditional MA – Industrial
Uses Allowed:	A – Agriculture	Uses Allowed:	Conditional MA – Light industrial uses as specified in the draft ordinance
Max Density Allowed:	A – 1 unit / 40 acres	Max Density Allowed:	Conditional MA – N/A

Property History

Zoned:	N/A	Platted:	N/A	Annexed:	N/A
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Staff Analysis

The applicant is requesting approval of a zoning change from the A – Agriculture zoning district to the

Conditional MA – Industrial zoning district to allow for future platting and development of the property.

(continued)

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies this area as industrial.

The Conditional MA – Industrial zoning district would allow a variety of land uses, such as hotel-motels, truck terminal, offices and religious institutions. In addition, minimum dimensional standards for lot sizes, design and aesthetic standards for buildings, and development standards relating to buffer yards and signage are also included as conditions of the proposed zoning. A copy of the draft ordinance is attached.

Adjacent land uses include developing conditional industrial uses to the north, undeveloped agricultural uses to the east, the Missouri Valley Fairground to the west and agricultural uses, including one single-family house, to the south.

The proposed Conditional MA – Industrial zoning district would be identical to the Conditional MA – Industrial zoning approved by the Planning and Zoning Commission and the Board of City Commissioners in 2016 for the adjacent property to the north (Auditor's Lot 6A and 6B of Lot 6).

Required Findings of Fact (relating to land use)

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any

development allowed by the new zoning classification at the time the property is developed;

4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from A – Agriculture zoning district to the Conditional MA – Industrial zoning district for Auditor's Lots 7 and Auditor's Lot 8B of Auditor's Lot 8 of the SE ¼ of Section 1, Lincoln Township

Attachments

1. Draft Ordinance
2. Location Map
3. Zoning Map

Staff report prepared by: Jenny Wollmuth, CFM, Planner
701-355-1845 |
jwollmuth@bismarcknd.gov

ORDINANCE NO. XXXX

Introduced by	_____
First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agriculture zoning district and included within the Conditional MA – Industrial zoning district:

Auditor's Lots 7 and 8B of Auditor's Lot 8, Section 1, T138N-R80W/Lincoln Township

This Conditional MA – Industrial zoning is subject to the following development standards:

1. *Uses Permitted.* The following uses are permitted:

- a. Hotel-motel.
- b. Retail group A.
- c. Retail group B.
- d. Service group A, excluding dry cleaning plants, mortuaries or funeral homes.
- e. Service group B.
- f. Wholesale group.
- g. Truck terminal.
- h. Industrial group A, excluding ice manufacturing, soft drink bottling plants and petroleum bulk plants.
- i. Commercial recreation group.
- j. Office-bank group.
- k. Health-medical group.
- l. Radio or television transmitting station.
- m. Utility service group.
- n. Religious institutions.

2. *Special Uses.* The following uses are allowed as special uses pursuant to Section 14-03-08 of the City Code of Ordinances:

- a. Temporary Christmas tree sales.
- b. Temporary religious meetings.

- c. Temporary farm and garden produce sales.
- e. Seasonal nursery and bedding stock sales.
- e. Small animal veterinary clinic.
- f. Drive-in retail or service establishments.
- g. Golf driving range.
- h. Small animal veterinary clinic.
- i. Auto laundry-car wash.
- j. Roadway maintenance facilities.
- k. Small wind energy systems.
- l. Animal hospital or kennel.
- m. Recreational vehicle park.
- n. Filling station.

3. *Dimensional Standards.*

- a. Lot Area. The minimum lot area is 10,000 square feet.
- b. Lot Width. The minimum lot width is sixty (60) feet.
- c. Front Yard Setback. The minimum front yard setback is fifteen (15) feet along interior roadways. The minimum front yard setback along 52nd Street is fifty (50) feet.
- d. Side Yard Setback. The minimum side yard setback is ten (10) feet.
- e. Rear Yard Setback. The minimum rear yard setback is ten (10) feet.
- f. Height. The maximum building height is forty (40) feet.
- g. Lot Coverage. The maximum lot coverage for buildings and required parking is 80% of the total lot area.

4. *Design and Aesthetic Standards.*

- a. Intent. It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, to create a lessened visual impact upon the surrounding land uses and to stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.
- b. Building Materials. The main building facade facing a public street within this Conditional MA-Industrial zoning district must be designed with architecturally finished materials, with primary building materials being limited to modular masonry materials such as brick, stone or dimensional block; precast concrete or aggregate panels; stucco or stucco-like materials; or prefinished metal architectural panels. If prefinished metal architectural panels are used, no more than 70% of the front elevation and no more than 80% of any other elevations facing a public-right-of-way may consist of this material. The following building types and materials are expressly prohibited: wood as an exterior wall finish, except where used as an accent material; corrugated metal roofing or siding; and exposed, untextured, uncolored, unaugmented concrete.

The main entrance or façade of the buildings shall be given special treatment through the use of different materials, colors and/or architectural features to enhance the view from the public right of way.

All subsequent renovations, additions and related structures constructed after the construction of the original building shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and general appearance.

- c. **Building Colors.** The main mass of the building shall be of a neutral, subtle color that reflects those found in the natural environment to help de-emphasize the overall mass of the building elevation. Design features that provide accents to the building façade may be of a brighter color that is vibrant but not garish, in a shade that complements colors utilized in the main mass of the building.
- d. **Enclosed Building Requirement.** All production, processing, storage, sales, display, or other business activity shall be conducted within a completely enclosed building except for outdoor storage areas.
- e. **Outdoor Storage Areas.** Outdoor storage areas shall be placed to the rear or side of the principal structure and shall be subject to the building setback requirements. The storage area shall be fenced around its perimeter with a minimum six foot wall or fence and any storage area visible from the public right-of-way shall be screened with a vegetative buffer yard. Goods and materials shall be located on a paved or gravel surface and the outdoor storage area shall be maintained in an orderly fashion.
- f. **The height of materials stored, excluding operable vehicles and equipment, shall not exceed the height of the fence, with the exception that the height of materials may be increased to two times the fence height if the stored material meets the building setback requirements. The outdoor storage area shall not reduce the amount of required parking on the site.**

6. *Development Standards.*

- a. **Accessory Buildings.** Accessory buildings may be allowed in accordance with the provisions of Section 14-03-06 of the City Code of Ordinances (Incidental Uses) and shall be subject to the same setback requirements as the principal structure. Storage containers may not be used as Accessory Buildings.
- b. **Parking and Loading.** Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses. Said parking areas shall be hard-surfaced and striped in conjunction with site development and regularly maintained. Concrete perimeter curbing of the parking areas will not be required.

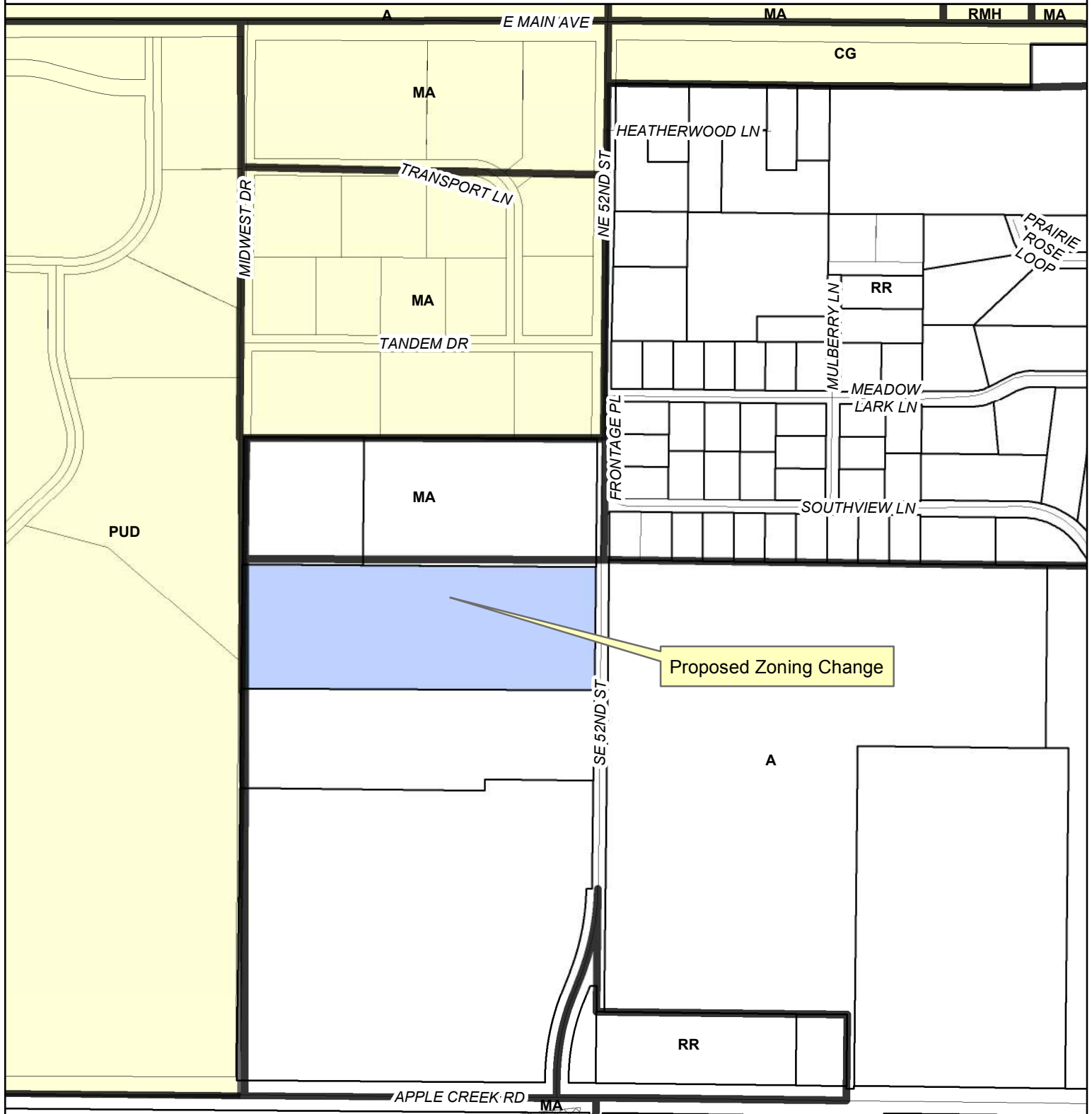
Loading areas within 400 feet of the centerline of 52nd Street shall be oriented away from 52nd Street.

- c. Landscaping and Screening. Parking lot landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).
- d. Buffer Yards. In addition to the requirements of Section 14-03-11, a 50 foot wide buffer yard shall be provided along the eastern boundary of the PUD zoning district. Said buffer yard shall be shown on the face of the plat as a landscape easement and shall be densely planted in conjunction with site development with the minimum number, species and size of trees and shrubs required for buffer yards in the City's landscaping ordinance (minimum of 6 trees and 25 shrubs per 100 linear feet, with at least 50% of the required trees and shrubs being evergreens).
- e. Screening of Mechanical Equipment and Solid Waste Collection Areas. Mechanical equipment and solid waste collections areas shall be screened in accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).
- f. Signage. Signage for the development may be installed in accordance with the provisions of Sec14-03-05 (10) (Industrial Park Area Identification Signs). Signage for individual lots within the development shall be installed in accordance with the provisions of Chapter 4-04 of the City Code of Ordinances (Signs and Display Structures). Off-premise advertising signs (billboards) are specifically prohibited within this development.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

Proposed Zoning Change (A to Conditional MA) **Auditor's Lots 7 and Auditor's 8B of Auditor's Lot 8 of the SE1/4** **of Section 1, Lincoln Township**



December 9, 2016 (hlb)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





Proposed Zoning Change (A to Conditional MA)

Auditor's Lot 7 and Auditor's Lot 8B of Lot 8

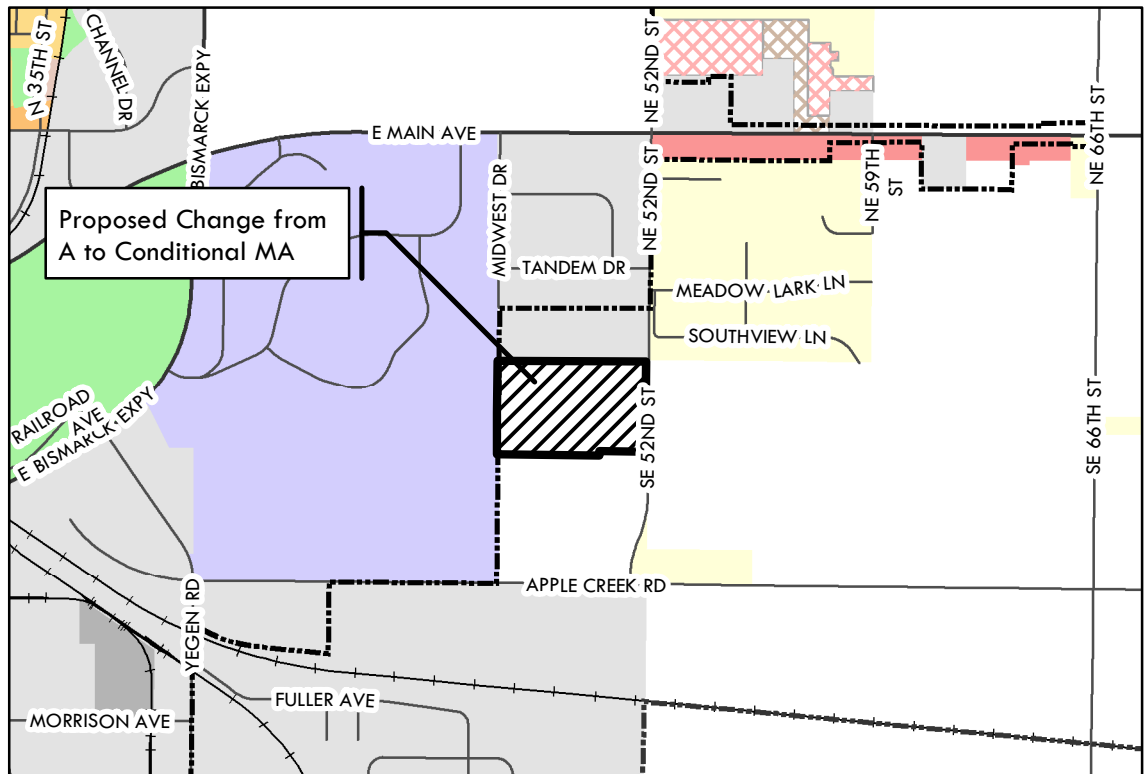
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

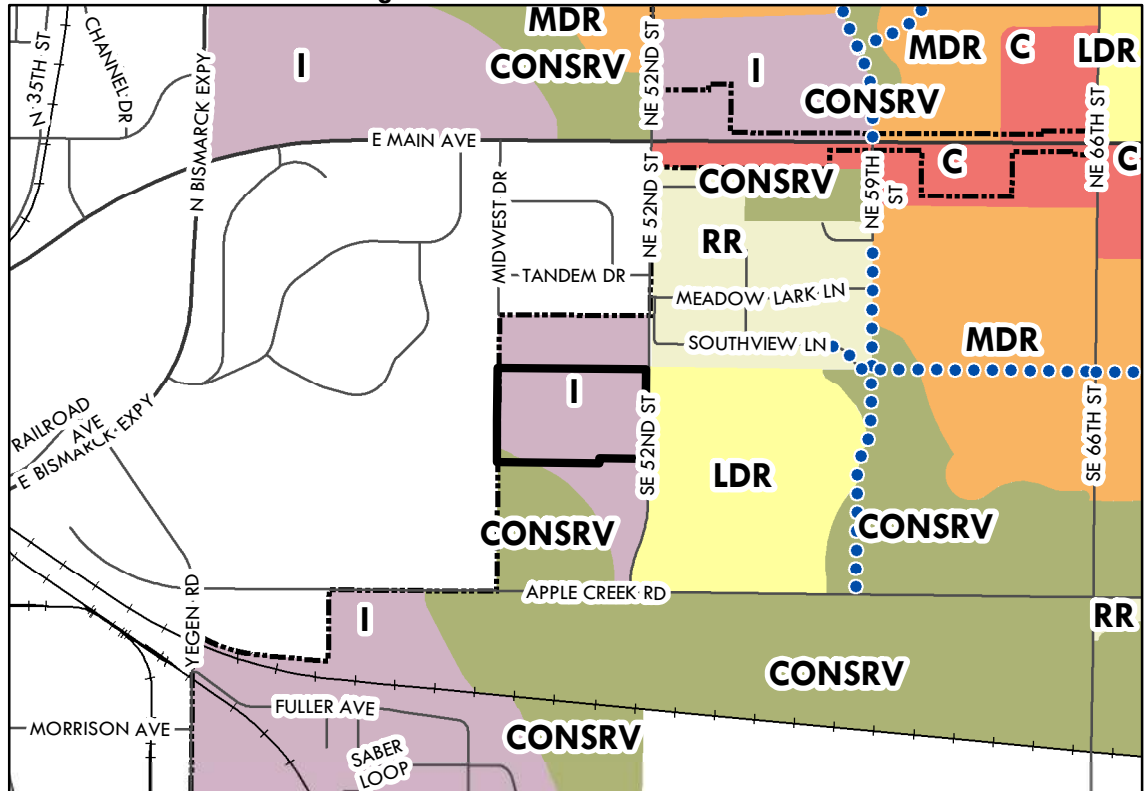
Zoning Map



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- ● ● Planned Arterial
- ● ● Planned Collector

0 0.35 0.7 1.4 Miles

City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
January 19, 2017 (HLB)



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

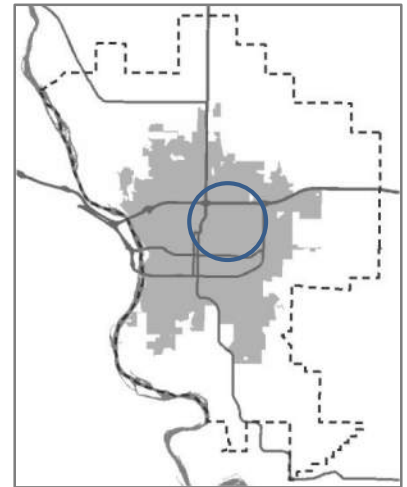
Agenda Item # 11
February 22, 2017

Application for: Zoning Change

TRAKiT Project ID: ZC2016-025

Project Summary

<i>Title:</i>	Lots 1-6, Block 5, Rolling Hills 1 st Addition (Simle Middle School)
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Bismarck Public Schools
<i>Project Contact:</i>	Lon Romsaas, PE, Swenson, Hagen & Company, P.C.
<i>Location:</i>	In central Bismarck, north of East Boulevard Avenue and west of North 19 th Street, directly east of the existing site of Simle Middle School.
<i>Project Size:</i>	1.2 acres
<i>Request:</i>	Rezone to allow future expansion of Simle Middle School properties.



Site Information

Existing Conditions

<i>Number of Lots:</i>	6 lots / 3 parcels
<i>Land Use:</i>	Multi-family residential
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	RM30 – Residential
<i>Uses Allowed:</i>	RM30 – Multi-family residential
<i>Max Density Allowed:</i>	RM30 – 30 units / acre

Proposed Conditions

<i>Number of Lots:</i>	6 lots / 3 parcels
<i>Land Use:</i>	Public school grounds
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	P – Public Use
<i>Uses Allowed:</i>	P – Parks, open space, stormwater facilities, and other public uses
<i>Max Density Allowed:</i>	P – N/A

Property History

<i>Zoned:</i>	Pre - 1980	<i>Platted:</i>	06/1964	<i>Annexed:</i>	Pre-1980
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Staff Analysis

The applicant, Bismarck Public School District, is requesting a zoning change from the RM30 – Residential zoning district to the P – Public zoning district to allow an expansion of Simle Middle School. The expansion would increase the size of the site from approximately 7 acres to 8.2 acres. The expansion is part of a bond referendum that would modify or expand middle and high schools across the system, including Simle Middle, for which a special election is scheduled for March 7, 2017.

The three parcels proposed for rezoning are already owned by the Bismarck Public Schools. They contain three multi-family housing buildings with eight units in each building. These buildings would be vacated and demolished prior to construction of the addition to the school. Two parcels, under separate ownership, would remain on the block, each containing a multi-family housing structure.

The proposed rezoning is adjacent to multi-family residential uses to the south, single-family residential uses to the north across Hanaford Avenue, and single-family residential uses to the east across Simle Drive. Simle Middle School is on the adjacent lot to the west.

In conjunction with the request for rezoning, the applicant has also requested a lot combination to create a single parcel for the entire school site. Lot combinations are not permissible across zoning districts, so the entire area must be zoned P – Public.



Rendering of Simle Middle School Expansion from BPS



Simle Middle School Plans from BPS

Required Findings of Fact (relating to land use)

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;

(continued)

6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

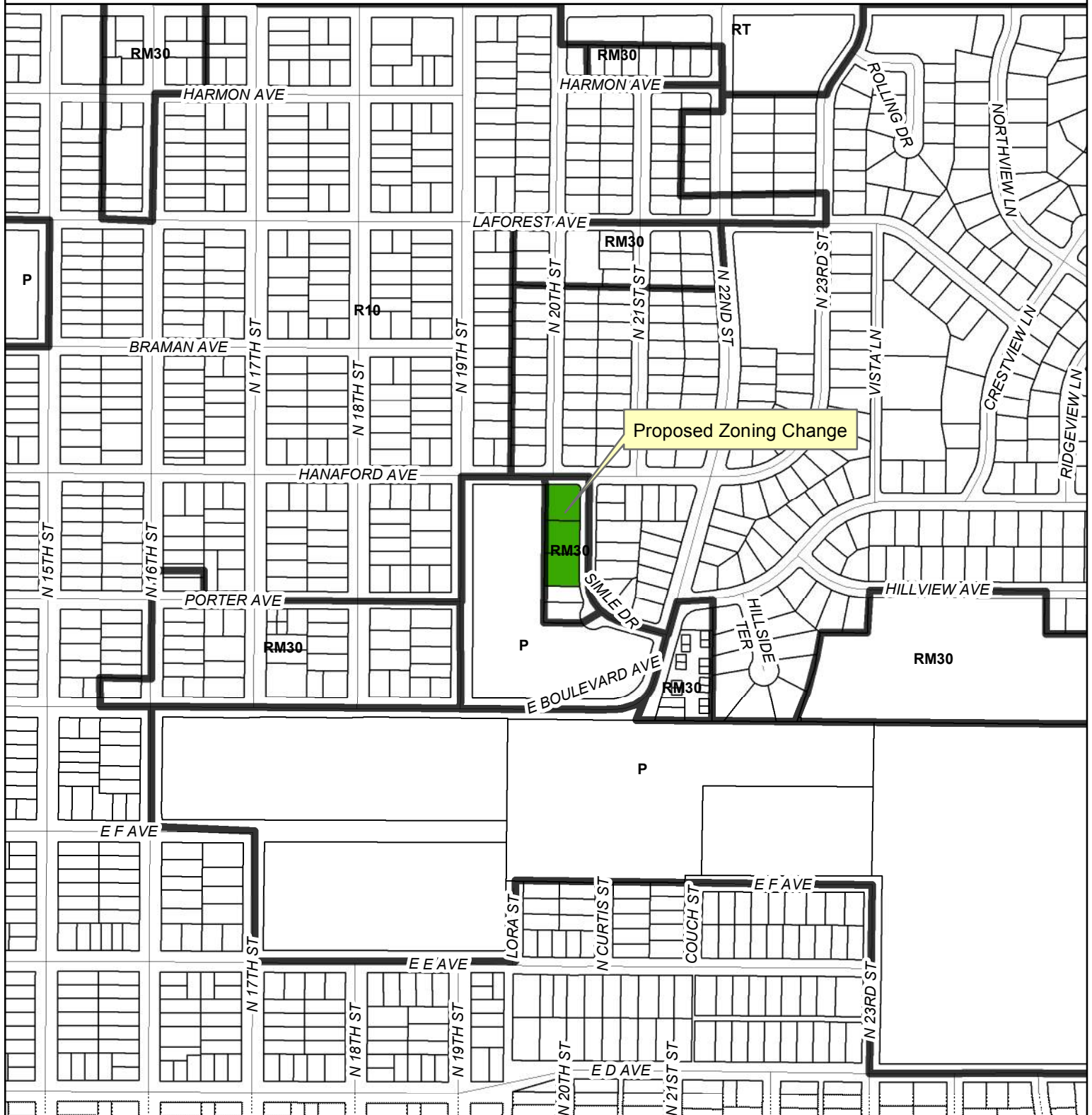
Based on the above findings, staff recommends approval of the zoning change from the RM30 – Residential zoning district to the P – Public zoning district for Lots 1-6, Block 5, Rolling Hills 1st Addition.

Attachments

1. Location Map
 2. Zoning Map
-

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov

Proposed Zoning Change (RM30 to P) **Lots 1-6, Block 5, Rolling Hills 1st Addition**



December 21, 2016 (h1b)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





Proposed Zoning Change (RM30 to P)

Lots 1 - 6, Block 5, Rolling Hills 1st Addition

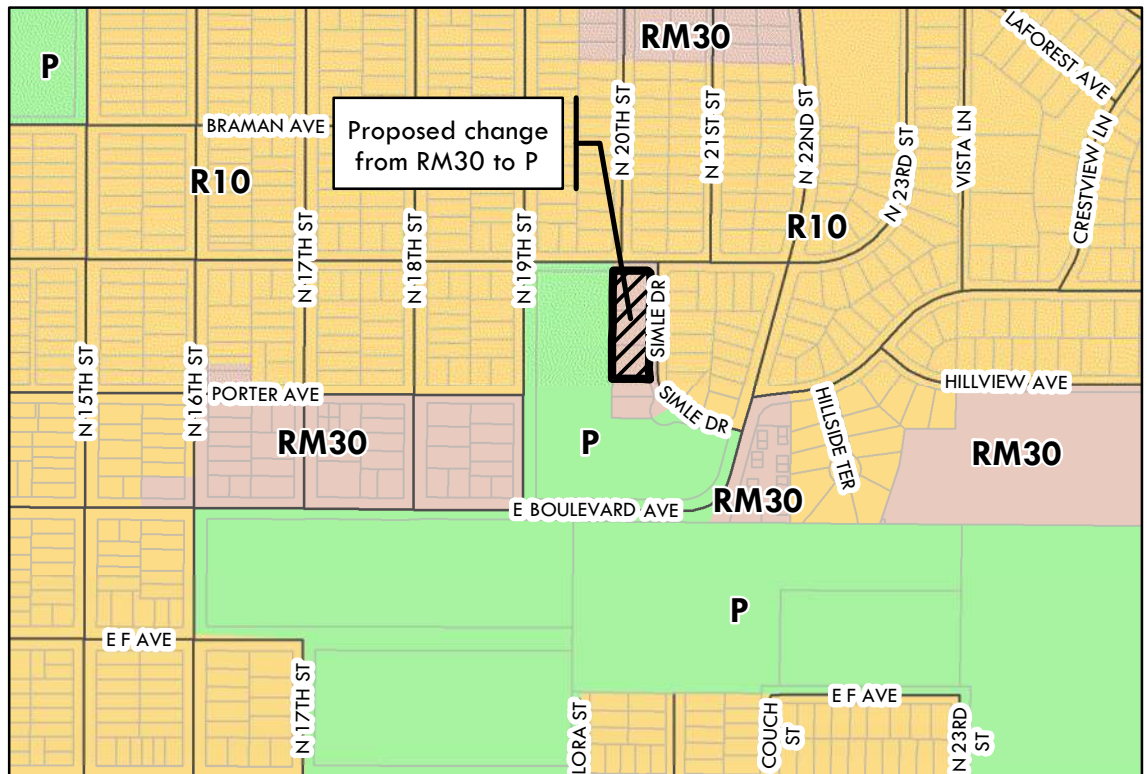
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily (Offices)
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

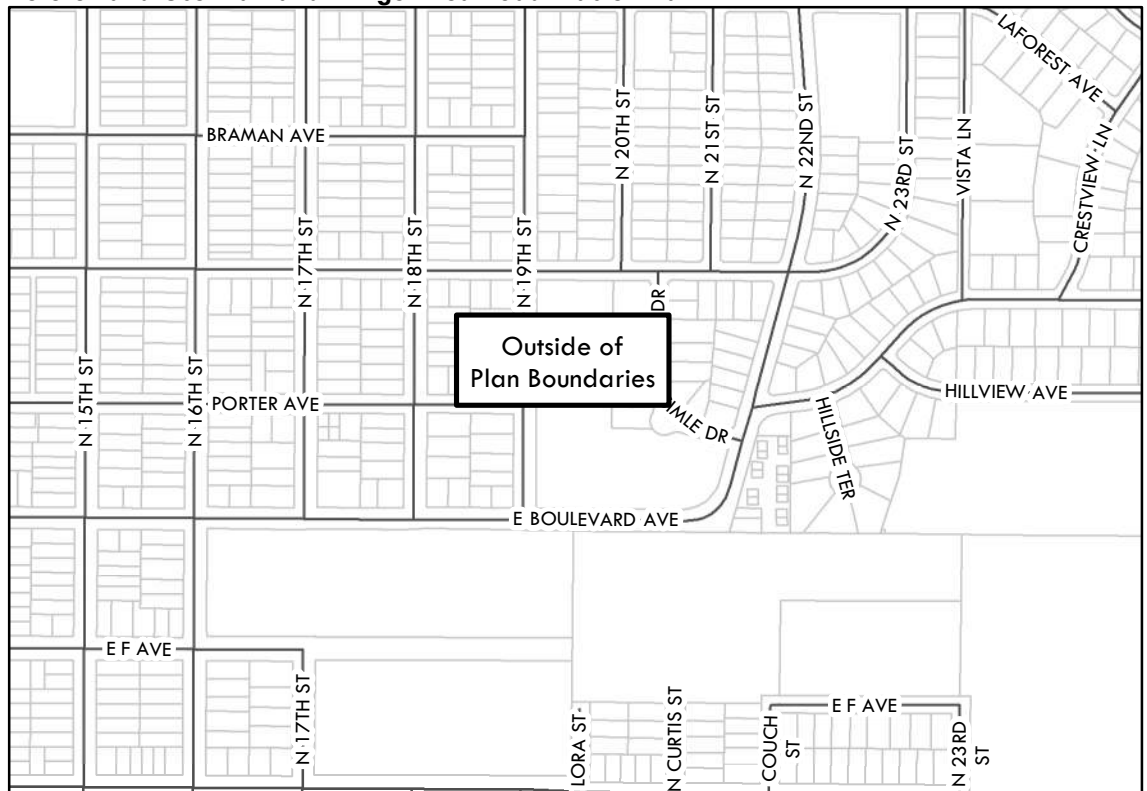
Zoning Map



Future Land Use Plan and Fringe Area Road Master Plan

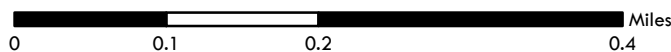
Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve



Fringe Area Road Master Plan

- ● ● ● Planned Arterial
- ● ● ● Planned Collector



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
January 12, 2017 (HLB)

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BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
January 25, 2017

The Bismarck Planning & Zoning Commission met on January 25, 2017, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Vice Chairman Lee presided.

Commissioners present were Tom Atkinson, Brian Bitner, Mike Donahue, Vernon Laning, Doug Lee, Gabe Schell and Mike Schwartz.

Commissioners Mike Seminary, Lisa Waldoch and Wayne Yeager were absent.

Staff members present were Carl Hokenstad – Director of Community Development, Kim Lee – Planning Manager, Jenny Wollmuth – Planner, Daniel Nairn – Planner, Will Hutchings – Planner, Hilary Balzum – Community Development Administrative Assistant, Charlie Whitman – City Attorney and Jason Hammes – Assistant City Attorney.

MINUTES

Vice Chairman Lee called for consideration of the minutes of the December 21, 2016 meeting.

MOTION: Commissioner Schwartz made a motion to approve the minutes of the December 21, 2016 meeting, as presented. Commissioner Donahue seconded the motion and it was unanimously approved with Commissioners Atkinson, Bitner, Donahue, Lee, Schell and Schwartz voting in favor of the motion.

CONSIDERATION

- 1. GIBBS SUBSTATION SUBDIVISION – PRELIMINARY PLAT**
- 2. AUDITOR’S LOT 7 AND AUDITOR’S LOT 8B OF AUDITOR’S LOT 8 OF THE SE1/4 OF SECTION 1, T138N-R80W/LINCOLN TOWNSHIP – ZONING CHANGE**
- 3. LOTS 1-6, BLOCK 5, ROLLING HILLS ADDITION – ZONING CHANGE**

Vice Chairman Lee called for consideration of the following consent agenda items:

1. Gibbs Substation Subdivision – Preliminary Plat
2. Auditor’s Lot 7 and Auditor’s Lot 8B of Auditor’s Lot 8 of the SE1/4 of Section 1, T138N-R80W/Lincoln Township – Zoning Change
3. Lots 1-6, Block 5, Rolling Hills Addition – Zoning Change

Vice Chairman Lee asked if Gibbs Township has any comments regarding the preliminary plat of Gibbs Substation Subdivision. Richard Sander, Gibbs Township Supervisor, said they

have no comments at this time and are comfortable with the tentative approval recommendation.

MOTION: Commissioner Schwartz made a motion to approve consent agenda items 1-3, granting tentative approval or calling for a public hearing on the items, as recommended by staff. Commissioner Bitner seconded the motion and it was unanimously approved with Commissioners Atkinson, Bitner, Donahue, Lee, Schell and Schwartz voting in favor of the motion.

Vice Chairman Lee said he would like to change the order of the agenda and switch items 6 and 7 around.

Commissioner Laning joined the meeting at this time.

**PUBLIC HEARING – ZONING CHANGE
LOT 19, BLOCK 2, SONNET HEIGHTS SUBDIVISION SECOND REPLAT**

Vice Chairman Lee called for the public hearing on a zoning change from the RM30-Residential zoning district to the CA-Commercial zoning district on Lot 19, Block 2, Sonnet Heights Subdivision Second Replat. The property is owned by 1st Choice Homes and is located in north Bismarck, between US Highway 83 and Yukon Drive, along the south side of 57th Avenue NE.

Ms. Wollmuth gave an overview of the request, including the following findings related to land use:

1. The proposed zoning change is outside the area included in the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is not compatible with adjacent land uses and zoning. In particular the proposed zoning change would not provide a zoning transition between existing single and two-family uses to the south and commercial uses proposed for this property.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed, provided the lot remains zoned as RM30 – Residential or a zoning district of lesser intensity as outlined in the plat note for Sonnet Heights Subdivision Second Replat.
4. The proposed zoning change is not justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is not in the public interest and is solely for the benefit of a single property owner.

6. The proposed zoning change is not consistent with the general intent and purpose of the zoning ordinance. In particular, the proposed zoning change would not provide a zoning transition between the existing single and two-family uses and commercial uses proposed for this property.
7. The proposed zoning change is not consistent with the master plan, other adopted plans, policies and accepted planning practice as a zoning transition would not be made between the existing single and two-family uses and commercial uses propose for this property.
8. The proposed zoning change would may adversely affect the public health, safety, and general welfare.

Ms. Wollmuth said, based on the above findings, staff recommends denial of the zoning change from the RM30 – Residential zoning district to the CA – Commercial zoning district on Lot 19, Block 2, Sonnet Heights Subdivision Second Replat. She added that if the Planning Commission approves the zoning change as proposed, modifications to the location of the joint access easements, as indicated on the plat notes of Sonnet Heights Subdivision 2nd Replat, may be necessary.

Commissioner Atkinson noted an email of concern from an adjacent owner and asked if any other comments have been received.

Ms. Wollmuth said she did receive two phone calls today in objection to the request.

Commissioner Atkinson asked what the allowable height differences are for the RM30-Residential zoning district compared to the CA-Commercial zoning district. Ms. Wollmuth said the maximum building height within the RM30 zoning district is 60 feet and the maximum building height within the CA-Commercial zoning district for commercial buildings is 40 feet. She noted that the maximum building height for residential buildings within the CA-Commercial zoning district is 60 feet, which is the same as the RM30-Residential zoning district.

Commissioner Schwartz asked about the proximity of the owners who objected the zoning change. Ms. Wollmuth said their property is south of the proposed zoning change. Commissioner Schell noted their property is nearby but not directly adjacent to the proposed zoning change.

Vice Chairman Lee opened the public hearing.

Andrew Hadlich, 5606 Calvert Drive, said he owns two lots directly south of the proposed zoning change and they are opposed to it. He said at both the November and December meetings, Planning staff stated they would not support the previous zoning change request or this one for several reasons. He said the change does not fit and is not compatible or transitional. He said any structure on this property will be extremely close to their home and the zoning change is not for the benefit of the community. He said in September 2015, Wade Felton, who was the owner at the time, asked the neighborhood how they would feel about a

certain pizza chain being located on this property and Mr. Peltz has proposed the same. He said any restaurant use would include dumpsters causing rodent and odor issues as well as an employee smoking area facing the back of their home. He said they petitioned their neighborhood and found out there is a lot of opposition in the area to Mr. Peltz's request. This petition is attached as Exhibit A.

Emery Beck, 1120 North 12th Street, said after Mr. Peltz purchased this property he found he cannot do what he originally wanted to do so now he wants it changed. He said the neighboring owners bought their properties under the assumption it would be adjacent to other residential zoning and it needs to stay that way.

Rudy Peltz, 1st Choice Homes, said he did knock on doors throughout the adjacent neighborhood and found people are on both sides of either preferring an office or a restaurant. He said all but one did not want a large apartment building and most preferred something smaller and of lesser height. He said he can do either type of project but would prefer to avoid a very large apartment building. He said he will work with the community on compatibility. He said the property will also be fenced and would face 57th Avenue NE. Mr. Peltz provided information on the preferences of some of the adjacent property owners. This information is attached as Exhibit B.

Jaclyn Hadlich, 5606 Calvert Drive, said she does not want either type of project so close to their home, but if they had to pick they would choose an apartment building. She said there is too large of a range of options for commercial uses in that zoning district.

Chris Ziegler, 1007 Calvert Drive, said they built their home in 2008 and were told by the developer it would remain zoned for single-family uses. He said he would rather see some office uses than restaurants as he does not want to see the amount of traffic increase.

Additional written comments submitted in opposition to this request are attached as Exhibit C.

There being no further comments, Vice Chairman Lee closed the public hearing.

Commissioner Schwartz said he was originally in favor of this request but there are concerns from the neighbors and the zoning rules are in place for a reason.

Commissioner Schell said input like that given by the adjacent owners is helpful when trying to formulate their decision.

Vice Chairman Lee said comments are taken seriously, everyone's opinion is considered and the Commission accommodates those opinions as best they can.

MOTION: Based on the findings contained in the staff report, Commissioner Bitner made a motion to deny the zoning change from the RM30 – Residential zoning district to the CA – Commercial zoning district on Lot 19, Block 2, Sonnet Heights Subdivision Second Replat. Commissioner Donahue seconded the

motion and the motion was unanimously approved with Commissioners Atkinson, Bitner, Donahue, Laning, Lee, Schell and Schwartz voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT (DRIVE THROUGH)
TRACT 304 OF BLOCK 9, ORIGINAL PLAT**

Vice Chairman Lee called for the public hearing on a request for a special use permit for a drive-through in conjunction with a financial institution to be located on Tract 304 of Block 9, Original Plat. The property is owned by First Western Bank and Trust and is located in central Bismarck, along the east side of South 3rd Street, in the northeast quadrant of the intersection of East Front Avenue and South 3rd Street (304 East Front Avenue).

Mr. Hutchings gave an overview of the request, including the following findings related to land use:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use is compatible with adjacent land uses and zoning.
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area (subject to Downtown Design Review).
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on the findings contained in the staff report, staff recommends approval of the special use permit to allow the operation of a drive-through in conjunction with a financial institution on Tract 304, Block 9, Original Plat.

Vice Chairman Lee opened the public hearing.

There being no comments, Vice Chairman Lee closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Schwartz made a motion to approve the special use permit to allow the operation of a drive-through in conjunction with a financial institution on Tract 304, Block 9, Original Plat. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Donahue, Laning, Lee, Schell and Schwartz voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE

LOTS 1-2, BLOCK 1, REPLAT OF CALKINS ADDITION AND AUDITOR'S LOTS A & B OF THE SE 1/4 OF THE NE 1/4 OF SECTION 33, T139N-R80W/CITY LANDS

Vice Chairman Lee called for the continued public hearing on a zoning change from the RM30-Residential zoning district to the PUD-Planned Unit Development zoning district on Lots 1-2, Block 1, Replat of Calkins Addition and Auditor's Lots A and B of the SE¹/₄ of the NE¹/₄ of Section 33, T139N-R80W (City Lands). The property is owned by Ruth Meiers Hospitality House and is located in central Bismarck, along the east side of State Street at the intersection with and north of East Boulevard Avenue (1100 East Boulevard Avenue).

Ms. Lee indicated that the public hearing on this request was tabled at the October 26, 2016 meeting and was taken off the table at the November 16, 2016 meeting and scheduled for tonight's meeting. She added that the public hearing was re-advertised and adjacent property owners were re-notified. Ms. Lee then gave an overview of the request, including the following findings related to land use:

1. The proposed zoning change is in a developed portion of the community and is outside of the area covered by the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is not completely compatible with adjacent land uses and zoning; however, it would allow the adaptive reuse of a portion of an existing building.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The character and nature of the proposed planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located.

7. The proposed planned unit development would preserve the natural features of the site insomuch as possible, including the preservation of trees and natural drainage ways.
8. The internal roadway circulation system within the planned unit development has been adequately designed for the type of traffic that would be generated.
9. Adequate buffer areas have been provided between the planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.
10. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
11. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
12. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Lee said, based on the above findings, staff recommends approval of the zoning change from the RM30 – Residential zoning district to the PUD – Planned Unit Development zoning district for Lots 1 and 2, Block 1, Replat of Calkins Addition and Auditor's Lots A and B of the SE ¼ of the NE ¼ of Section 33, T139N-R80W (City Lands), as outlined in the revised draft PUD ordinance attached to the staff report.

Vice Chairman Lee opened the public hearing.

Steve Neu, Ruth Meiers Hospitality House (RMHH), said a summary was provided to the Commissioners prior to the meeting outlining the six main concerns that have been addressed since October. He said neighborhood meetings have been held, security has been increased and random bag checks have been implemented. He said they decided to remove the open community services so as to not duplicate them with others in the community. He said a discussion was held with the adjacent property owners regarding the addition of liaisons to the RMHH External Affairs Committee or the Board in order to have representation from the neighborhood. He said the nutritional, salon, training and child care services would be through contracts with local businesses and specifically the child care services are pertinent for residents of RMHH being able to work. He said the emergency transition rooms would be a single point of contact in conjunction with the Police Department and, if needed, they would house a resident in an emergency situation in the event that person is vulnerable and also contact case management. He said traffic concerns were discussed with the Police Department and they have created a plan to work their schedule of services around peak traffic times. He added that the food pantry is for food storage only, not distribution, and they would start working immediately to revise their by-laws and fill open positions on the RMHH External Affairs Committee if this request is approved today. He said they have no intentions of providing a soup kitchen or an emergency shelter and that the facility will remain transitional and affordable housing. He stated the only change would be to add those contracted services he referenced earlier.

Commissioner Laning asked even with the increased security, in the event of an incident, who would be contacted. Mr. Neu said they would contact the Police Department.

Commissioner Schwartz asked how the referral process works. Mr. Neu said a family member, a hospital or other emergency service agency can refer somebody to RMHH. He said they are briefed on the situation, what the individuals' needs are and all male referrals would be transported to their other location, and a background check is performed with the Police Department.

Commissioner Schwartz asked how male individuals are transported. Mr. Neu said typically by taxi cab or by the means they arrived at the facility. He said that information is worked out before or upon arrival at RMHH.

Commissioner Schell asked what happens in a situation where a male individual arrives on foot and needs to be relocated to the other facility. Mr. Neu said transportation would be arranged so as to avoid that individual walking through the adjacent neighborhood.

Commissioner Bitner asked what the extent of the contract for added security is with it only being one patrol round per night. Mr. Neu said they would drive the block, coming at different times and from different directions each night with the intent of patrolling the immediate area once each night.

Commissioner Bitner asked how many services provided by RMHH are under contract right now. Mr. Neu said they do not have any contracted services as of yet.

Commissioner Atkinson asked what the protocol is for females and youth being admitted to the facility. Mr. Neu said they would go through a background check as well and be admitted to a space as needed.

Commissioner Bitner asked what would happen if an individual arrived intoxicated. Mr. Neu said they would not be able to be admitted and would have to find other arrangements.

Commissioner Schell said the PUD described a set amount of square footage for the emergency transition rooms and the number of people it can service. He asked if those spaces are intended for families or individuals. Mr. Neu said there would be two rooms adjacent to the lobby with space for four beds at the most, so it would depend on the situation.

Commissioner Bitner asked what the plan is for the new entrance to the facility. Mr. Neu said the new entrance would be on the southwest corner of the building and separate from the entrance to the service center.

Commissioner Bitner said that intersection already takes so long to get through that he is hesitant to add more traffic to it. Mr. Neu said the new entrance will actually be relocated about 50 feet further east so that should help improve traffic safety.

Commissioner Schwartz asked what additional uses this PUD gives beyond the existing RM30 zoning that is there now. Mr. Neu said the RM30 zoning is more restrictive as far as what can and cannot be done, such as services for non-residents being prohibited.

Vice Chairman Lee said the table provided by RMHH shows the maximum number of people at the facility at any time, Monday through Friday, would be around 50. Mr. Neu said that is correct, that the number of children in the after-school program would be set based on the space provided and the maximum number of people coming to the facility for classes would be 50.

Vice Chairman Lee asked if a referral would be needed for things like haircuts at the salon.

Mr. Neu said haircuts would still need a referral and would be at a minimum cost available to residents receiving assistance of some form. He said the facility itself is not changing.

Trina Gress, Community Options, said they are one of the potential contract services and have been working with RMHH on how to provide services that will build skill sets to make their residents more employable. She said Community Options offers vocational skill building classes but they do not have a facility for the skills to actually be demonstrated. She said RMHH would be ideal for training people on things like housekeeping and culinary skills and would make their clients more employable.

Commissioner Laning asked how many students currently take part in the skill building classes. Ms. Gress said approximately 225 students are enrolled in the various classes offered.

Dr. Guy McDonald, 909 North 11th Street, said he provided his letter containing his comments and his concern is that there is a lot of first time homeowners in the adjacent neighborhood who have small children and there has been an increase in the amount of pedestrian traffic in the neighborhood. He said RMHH does good work but the transient population has become serious. He said a couple of months ago he watched a man walk by his window and within a few minutes the police were there because the man had passed out. He said approximately 15 minutes later he saw the same man walk back past his home and when he looked into the situation later he learned this man had nowhere to go. Mr. McDonald's letter is attached as Exhibit D.

Nina Graves, 902 North 10th Street, asked if there is a limit on how many times somebody can request the same thing. She said she feels like RMHH is just trying to wear down the neighborhood and asked what the guidelines are for a facility being classified as a homeless shelter.

Ms. Lee said homeless shelters are classified the same as hotels, so they are only allowed in districts that allow hotels. She said transitional housing is for people staying for extended periods of time at this location, so this facility is not classified as a homeless or emergency shelter.

Ms. Graves said as soon as the building changed from the Baptist Home to RMHH they wanted to provide these same services but any of them can be found elsewhere in the community and are not needed here. She said she feels the facility is really just there for transient individuals and some good has been done by RMHH, but at what point are the residents expected to leave and become productive members of society. She said all RMHH wants is more grant money and she wishes there were zoning guidelines related to homeless shelters.

Vice Chairman Lee stated if the zoning change is approved, the PUD would not be able to amended, except by another public hearing before this Commission.

Pastor Daniel Haveman, 924 North 11th Street, said he pastors at the nearby Open Door Baptist Church and has been there for approximately a year and a half. He said he has reached out to the neighborhood to try and help them with their concerns but has also noticed that the amount of clothing, drug paraphernalia and blankets left on his property has increased significantly recently. He said he has had confrontations with some of the individuals who have been turned away from RMHH and, in the event it was to be a child from the neighborhood having those confrontations, it would be a very different and potentially a life-altering confrontation for that child. He said, as a Christian and thinking about what would Jesus do, he wants to remind everybody that he looked for the children first and foremost and if this change is approved the problems and changes will only increase.

Commissioner Laning said he does not see those problems increasing if the services and training provided would only be for those individuals accepted to the facility.

Doug Philp, 928 North 11th Street, said Pastor Haveman is correct, that crime in the neighborhood has increased and the Police Department has already provided those statistics. He said he lives behind Open Door Baptist Church and a neighbor even found an individual passed out in her lawn shed which was very terrifying for her. He said on June 7, 2016, Ms. Hall from RMHH spoke to the North Dakota Incarceration Issues Committee and stated the number of nights services are provided to individuals, and that 23% of those individuals came directly out of incarceration for felonies or sexual offenses. He said she urged the committee to consider ongoing funding to agencies like RMHH and says the concerns of the neighborhood have been heard and taken into consideration, but here they are again, wanting the same things. He said they do not need a PUD in order to continue doing what they have been doing, that they have everything they need already and the other services they want to provide can be found elsewhere in the community. He said moving the entrance of the facility will not help alleviate traffic issues. HE concluded by saying he wants this request denied again and for RMHH to take a few years to prove themselves before they come back again.

Briana Hildebrand, Vogel Law Firm, said she represents Robert and Cynthia Graham and said the changes made to the RMHH request are superficial. She said their program overview is not clear on how to predict the anticipated amount of use and they failed to

address the provisions that the RMHH will not be an emergency shelter. Ms. Hildebrand read her statement which is attached as Exhibit E.

Debbie Duppong, 1111 North 12th Street, said overall there has been an increase in the amount of foot traffic throughout the neighborhood, fights and people yelling in the RMHH parking lot. She said she petitioned 240 homes and 94% of those she asked said they do not want this property rezoned. She said many of the residents she visited with had stories of theft, vandalism and drug paraphernalia left on their properties. She said she wants a safe environment and to stay family-oriented. She said that the transitional housing provided is supposed to be a period of 90 days to 24 months but they are seeing residents only stay for a couple of days at a time. She said the needs provided should be for people who are truly serious about wanting help. She read a quote from Ms. Hall from the public hearing last time, stating the requirement of staying a minimum of 90 days and a maximum of 24 months is based on HUD guidelines. This petition and additional comments are attached as Exhibit F.

Commissioner Schell asked Ms. Duppong to repeat the statistics of the petition numbers. Ms. Duppong said 240 homes were petitioned from which 226 signatures were received for a total of 94% opposed. She said that is only counting one signature from each residence and it is an increase of 4% opposed compared to three years ago.

Jaime Anderson, 1432 North 13th Street, said RMHH has always wanted to be a one-stop shop which is the perfect setup for a future ghetto. She said there are currently 20 sex offenders using RMHH as their registered address and many of them are wandering through the neighborhood from one location to the other for food. Ms. Anderson provided multiple news articles relating to crimes in the Bismarck-Mandan area that involved homeless persons and said the prevalence of mental illness and substance abuse in these individuals is extremely high. She said high density, low income projects do not cure crime, they only relocate it and the 10-year Plan to End Homelessness needs to educate citizens or it will not work. She explained a variety of encounters she has had recently with various individuals where she felt threatened and she would love to see homelessness end but it is advised that these services be spread throughout the city, not concentrated in one area. Ms. Anderson's distributed information is attached as Exhibit G.

John Baker, 1421 North 12th Street, said he trusts the right choice will be made on this request and he has attended the meetings offered by RMHH. He said he asked what their occupancy is and was told it is 100% and questioned why a zoning change is needed if they do not have room for more people. He said from the RMHH driveway to North 12th Street is still snow covered and he has concerns regarding their lack of compliance with sidewalk snow removal requirements. He said there is a need for agencies like RMHH but this is not the appropriate location for the additional services they want and he believes they are already doing everything they want to do anyways. He said they have sent letters to the neighborhood but many of the concerned residents have never received one and he feels nobody is getting 100% of the truth. A picture provided by Mr. Baker of the snow on the RMHH property is attached as Exhibit H.

Larry Thelen, 1213 North 11th Street, said staff finding number two in the staff report provided says the zoning change is not completely compatible, however, that is not taken into consideration because the entire building is being utilized. He said the North Dakota Coalition for Homeless People shows all other homeless facilities being in non-residential zoning districts and RMHH should have known when they purchased the property what they could and could not do. He then said other staff findings say the zoning change would not affect public safety, but it will and plenty of examples of that have been given. He stated RMHH has said they will have plenty of parking to accommodate the additional services but the west-end entrance only has 38 parking spaces and all of the others are on the east side. He said anybody coming to the property for services would have to walk all the way around the building and traffic around this location is bad enough as it is. He then said the zoning change looks good on paper, but it just will not work and the extra security in place is only for the RMHH building, not the neighborhood. Mr. Thelen closed with saying the sense of safety in the neighborhood has gone down and approving this zoning change to a PUD would make that feeling worse.

Veronica Schneider, 1120 North 12th Street, said she lives in Capital View Estates right next to RMHH and has had to live with the results of them moving to the neighborhood for three years already. She said the quality of life in their community has declined and nothing good has been gained. She said she feels RMHH needs to justify their jobs by bringing the neighborhood down and they were told there is 24-hour security on-site but residents are still having to constantly call the police to report various issues. She said home values are down and houses cannot sell, and if they do, it is for a much lesser value than what they are worth. She said tax payers are being forced to pay for something they do not want, more services are not needed here and enough has already been sacrificed by the neighborhood. She said RMHH is an enabler as well as a beacon for transients and a shelter for convicts. She explained how drug houses have popped up around the facility that were not there before and RMHH is not truthful about who they are servicing and taking care of. She ended by saying she wants to know the benefits of approving this zoning change and that public safety is part of the responsibilities of this Commission.

Sharon Beck, 1120 North 12th Street, said just yesterday morning a truck was revving its engine in the RMHH parking lot and it appeared to be stuck in the snow. She said later that morning she witnessed the same truck speed down Boulevard Avenue and this is an example of the ever increasing issues that will continue to increase if this request is approved. She said granting this request will only allow them to come back again whenever they want and ask for more each time. She then said she wants to know what their plans and strategies are.

Additional written comments in opposition to this request are attached as Exhibits I-M.

There being no further comments, Vice Chairman Lee closed the public hearing.

Vice Chairman Lee said the residents of the adjacent neighborhood should not have to live in fear and they need to be vigilant about calling the police whenever there is a concern.

Commissioner Bitner said RMHH has a responsibility to address all of the concerns that have been voiced and there is clearly hundreds of people opposed to this zoning change.

Vice Chairman Lee said the homelessness issue needs to be addressed and he knows the need for child care is a constant issue as well. He then said crime is increasing in Bismarck in general and is going to continue to do so.

Commissioner Laning said this has been an ongoing issue with multiple requests and asked if it is possible for future requests to go straight to the City Commission. Vice Chairman Lee replied if the request is denied they can appeal it to the City Commission but any zoning changes need to first be considered by the Planning and Zoning Commission.

Commissioner Schell said the vote needs to be on the proposal at hand judging by the merits of what is being asked for.

Commissioner Atkinson said he agrees with only voting based on what is included in the PUD.

Commissioner Bitner said he understands the importance of the work RMHH does, but other issues brought up need resolving by other means. He said he takes issue with only one security drive-through being done each night and having heard from a pastor whose mission in life is to help and serve people, he has concerns with approving this request.

MOTION: Commissioner Bitner made a motion to deny the zoning change from the RM30 – Residential zoning district to the PUD – Planned Unit Development zoning district for Lots 1 and 2, Block 1, Replat of Calkins Addition and Auditor's Lots A and B of the SE ¼ of the NE ¼ of Section 33, T139N-R80W (City Lands), as outlined in the draft PUD ordinance attached to the staff report. Commissioner Donahue seconded the motion and the request was denied with Commissioners Bitner, Donahue, Lee and Schwartz voting in favor of the motion. Commissioners Atkinson, Laning and Schell opposed the motion.

OTHER BUSINESS

SILVER RANCH FIRST ADDITION – MODIFICATION OF CONDITIONS OF APPROVAL

Mr. Nairn explained that staff has been working with the applicant of Silver Ranch Addition, and there is mutual agreement that the conditions placed on the approval recommended during the Planning and Zoning Commissions' August meeting should be revised, as all will be addressed in the development agreement. He said the revised conditions would read as:

1. A development agreement is signed prior to final plat approval detailing any remaining responsibilities for the acquisition of easements, annexations, and/or improvement and installation of all infrastructure necessary to serve Silver Ranch First Addition.

- ~~2. Easements for rights-of-way necessary to provide water service are secured prior to approval of the final plat.~~
- ~~3. A viable annexation route is identified to connect the proposed subdivision to the existing city limits prior to approval of the final plat.~~
4. 2. No building permit may be issued prior to annexation and provision of municipal services to the lands within Silver Ranch First Addition necessary for that phase of development.

MOTION: Commissioner Bitner made a motion to recommend approval of modifications to the conditions placed on the final plat of Silver Ranch First Addition, as recommended by staff. Commissioner Donahue seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Donahue, Laning, Lee, Schell and Schwartz voting in favor of the motion.

ADJOURNMENT

There being no further business, Vice Chairman Lee declared the Bismarck Planning & Zoning Commission adjourned at 7:45 p.m. to meet again on February 22, 2017.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Doug Lee
Vice Chairman

ZONING PETITION FORM

Surrounding property owners **OPPOSING** the zoning change that has not been acted upon by Bismarck Planning & Zoning Commission.

Zoning Project # and Description: ZC2016-020. Requested zone change from RM-30 Residential zoning district to CA-Commercial zoning district for Lot 19, Block 2, Sonnet Heights Subdivision Second Replat.

I, Andrew Hadlich, do hereby verify that I collected the information contained on this document and that the persons whose names are listed hereon did sign this document in my presence and that I witnessed their signature for the purpose stated herein.

Signature of Person Collecting Names

Stella Calvert Drive

Address Bismarck, ND 58503

Telephone Number

E-Mail Address

Property Owner Signature	Printed Name	Address
1. <u>Toby Ott</u>	<u>Toby Ott</u>	<u>5442 Calvert Dr Bismarck ND 58503</u>
2. <u>Brandon Cattavach</u>	<u>BRANDON CATTAVACH</u>	<u>5436 Calvert Dr Bismarck ND 58503</u>
3. <u>Don Ziegler</u>	<u>Loni Ziegler</u>	<u>5430 Calvert Drive Bismarck</u>
4. <u>Chris Ziegler</u>	<u>Chris Ziegler</u>	<u>5530 Calvert Drive</u>
5. <u>Alan Bergstad</u>	<u>Alan Bergstad</u>	<u>5529 Calvert Dr.</u>
6. <u>Noel Bergstad</u>	<u>Noel Bergstad</u>	<u>5524 Calvert Dr.</u>
7. <u>Marissa Freu</u>	<u>Marissa Freu</u>	<u>5518 Calvert Dr.</u>
8. <u>Dennis Carpenter</u>	<u>Dennis Carpenter</u>	<u>5513 Calvert Dr.</u>
9. <u>Lynne Carpenter</u>	<u>Lynne Carpenter</u>	<u>5513 Calvert Dr.</u>
10. <u>Troy Leonard</u>	<u>Troy Leonard</u>	<u>5519 Calvert Drive</u>
11. <u>Don White</u>	<u>Don White</u>	<u>5531 Calvert Dr.</u>

ZONING PETITION FORM

Surrounding property owners **OPPOSING** the zoning change that has not been acted upon by Bismarck Planning & Zoning Commission.

Zoning Project # and Description: ZC2016-020. Requested zone change from RM-30 Residential zoning district to CA-Commercial zoning district for Lot 19, Block 2, Sonnet Heights Subdivision Second Replat.

I, Andrew Hadlich, do hereby verify that I collected the information contained on this document and that the persons whose names are listed hereon did sign this document in my presence and that I witnessed their signature for the purpose stated herein.

Andrew Hadlich

Signature of Person Collecting Names

Steele Calvert Drive

Address Bismarck, ND 58503

Telephone Number

E-Mail Address

Property Owner Signature	Printed Name	Address
12. <u>Nancy White</u>	<u>Nancy White</u>	<u>5531 Calvert Dr. Bismarck ND 58503</u>
13. <u>Carol M. Perdue</u>	<u>CAROL M. PERDUE</u>	<u>5600 Yukon Drive</u>
14. <u>Keith & Kathy Morris</u>	<u>KEITH MORRIS</u>	<u>5512 Yukon Dr.</u>
15. <u>Karen Hausauer</u>	<u>Karen Hausauer</u>	<u>5618 Calvert Dr. Bismarck ND</u>
16. <u>Lacey Hausauer</u>	<u>Lacey Hausauer</u>	<u>5618 Calvert Dr. Bismarck ND</u>
17. <u>Dick Chackin</u>	<u>Dick Chackin</u>	<u>5601 Calvert Dr. Bismarck ND</u>
18. <u>Cam Chackin</u>	<u>Cam Chackin</u>	<u>5601 Calvert Dr. Bismarck ND</u>
19. <u>Theresa Wolf</u>	<u>Theresa Wolf</u>	<u>5535 Calvert Dr. Bismarck ND</u>
20. <u>Jaclyn Hadlich</u>	<u>Jaclyn Hadlich</u>	<u>5600 Calvert Dr. Bismarck ND</u>
21. <u>Andrew Hadlich</u>	<u>Andrew Hadlich</u>	<u>Steele Calvert Dr. Bismarck ND</u>
22.		

ATTENTION: CITY PLANNING

I would prefer a large apartment complex in my
backyard or across the street.

AGREE

DISAGREE

✓

I would prefer the land rezoned to CG so a
place of business like an office building,
restaurant or strip mall could be built.

✓

Signature

Derrick Chevalier

Name

Derrick Chevalier

Address

5601 Calvert Dr.

Phone

[REDACTED]

ATTENTION: CITY PLANNING

I would prefer a large apartment complex in my
backyard or across the street.

AGREE

☒ DISAGREE

I would prefer the land rezoned to C~~A~~ so a
place of business like an office building,
restaurant or strip mall could be built.

☒

Signature

Nancy White

Name

Nancy White

Address

5531 Calvert Dr.

Phone

[REDACTED]

ATTENTION: CITY PLANNING

I would prefer a large apartment complex in my
backyard or across the street.

AGREE

☒ DISAGREE

I would prefer the land rezoned to C~~A~~ so a
place of business like an office building,
restaurant or strip mall could be built.

☒

Signature

Billy Wolf

Name

Billy Wolf

Address

5525 Calvert Drive

Phone

[REDACTED]

ATTENTION: CITY PLANNING

I would prefer a large apartment complex in my
backyard or across the street.

AGREE

DISAGREE

I would prefer the land rezoned to C~~A~~ so a
place of business like an office building,
restaurant or strip mall could be built.

Signature

Vernon Johnson

Name

VERNON JOHNSON

Address

5624 CALVERT Dr.

Phone

[REDACTED]

ATTENTION: CITY PLANNING

I would prefer a large apartment complex in my
backyard or across the street.

AGREE

DISAGREE

I would prefer the land rezoned to CG so a
place of business like an office building,
restaurant or strip mall could be built.

✓

Signature

Chris Keller

Name

Chris Keller

Address

5612 Calvert Dr

Phone

From: [Planning - General Mailbox](#)
To: [Carl Hokenstad](#); [Daniel Nairn](#); [Hilary Balzum](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Item #5 Planning & Zoning January 25, 2017 Meeting
Date: Tuesday, January 24, 2017 10:11:55 AM

-----Original Message-----

From: Jeremy Wentz [[mailto:](#)]
Sent: Tuesday, January 24, 2017 6:39 AM
To: Planning - General Mailbox
Subject: Item #5 Planning & Zoning January 25, 2017 Meeting

Re: Request for zoning change from RM30-Residential to CA-Commercial zoning district for Lot 19, Block 2, Sonnet Heights Subdivision Second Replat.

To Whom it May Concern,

As a residential property owner along Calvert Drive I am concerned and against the rezoning of this lot. I am concerned that allowing this lot to be rezoned could affect the residential feel and culture of the neighborhood, affect the resale value of our residential property, cause safety concerns, as well as other nuisances that home owners in the city should not have to deal with. We all purchased these residential properties knowing that the surrounding property was zoned RM30 and thus I agree with the staff recommendation to deny this zoning change.

Sincerely,

Jeremy Wentz
5630 Calvert Drive
Bismarck, ND 58368

10/26/2016

TO: Planning and Zoning Committee members

FROM: Dr. Guy McDonald (909 N 11th St.)

Chad Trom (910 N 11th St.)

Sveto Bjelanovic (1102 Ave. E.)

RE: Ruth Meier's request

This letter, from the above listed families, is a request to NOT increase the activities at the Ruth Meier's facility on Boulevard & State Street. If this facility becomes the hub of expanding activities, including food service on-site for the homeless, the pedestrian population traveling to this hub will walk from a very large decentralized area (Bismarck) to and through a small, primarily residential area. Those accessing any additional services will greatly increase beyond today's numbers to much greater numbers that will further negatively impact our small community which is centered on three sides of the current facilities. The Capitol grounds are on the fourth side. Not only will the numbers traveling through our neighborhoods greatly increase with any kind of additional services, including food services, the times that participants travel within our small neighborhood community will also increase. Think of Ruth Meier's as a hub on a bike wheel. Ultimately the users of the new services will travel in an ever smaller geographical path, all ultimately arriving at Ruth Meier's via North 10th & 11th Street, Boulevard, or Porter. We have already noticed one small change to the movement from the above mentioned routes to also utilizing our local alleys. Of course, this has to do with self-worth and is why you seldom see similar services in other cities placed within residential areas.

Our neighborhood is evolving into first time home owners raising small children and we think it is unconscionable to increase concerns of child safety, as well as reducing the value of homes in our neighborhood. As first time home owners in an older neighborhood, it is usually understood by new owner that considerable dollars will need to be invested to bring the older homes up to desired quality living condition. This is not nearly as likely to happen if the area becomes inhabited with a transient population.

Each of the families listed above have had to increase security measures to simply handle the current increased movement within our neighborhood. I'm quite sure others have also done the same. Please be aware, that with food services provided in a residential area, locations within or near those services habitually become havens for gatherings that typically include a range of inappropriate behavior.

We are thanking you in advance for considering our letter.

January 25, 2017

VIA EMAIL ONLY

Community Development Department
Planning Division
PO Box 5503
Bismarck, North Dakota 58506-5503

planning@bismarcknd.gov

**Re: Comments on Proposed PUD Ordinance for Ruth Meiers Hospitality House Before
the Bismarck City Planning and Zoning Commission, January 25, 2016
Our File No.: 050756.16000**

Chairman Yeager, Members of the City Planning and Zoning Commission:

My name is Briana Hildebrand. I am an attorney with the Vogel Law Firm and I write you on behalf of Cynthia and Robert Graham who represent the interests of the surrounding neighborhood. This letter is in follow-up to my letter dated October 26, 2016 and Ruth Meiers Hospitality House's ("RMHH") amended application for a PUD set for hearing on January 25, 2017.

At the Planning and Zoning Commission meeting on October 26, 2016 you heard several reasons as to why RMHH's application for a PUD should be denied. Many of the neighbors, including Cynthia and Robert Graham specifically, raised concerns regarding safety and increased crime, existing violations under the current zoning regulations, and parking. You also heard from Police Chief Dan Donlin who confirmed what the residents of the neighborhood already knew, that the number of calls to RMHH alone is equal to the number of calls to the surrounding neighborhood; the Grahams firmly believe RMHH's presence has caused an increase in criminal activity.

Additionally, at the October 26, 2016 meeting RMHH was unable to provide any definitive information on anticipated use. In fact, RMHH's application was tabled because the neighboring community was vehemently opposed and the application was deficient in several respects. Although RMHH has made superficial changes to its application for a PUD, it failed to address the concerns raised by the surrounding community and the Planning and Zoning Commission. For the reasons set forth herein the Grahams must continue to resist the adoption of the proposed PUD.

RMHH suggests in its amended application and supporting documentation that rather than providing programming and services to the general public, it will serve its clients and clients from mission-aligned agencies through contract only. This is a distinction without a difference. The

reality is that RMHH has only provided examples of possible contract agencies and would not be limited by the PUD to those entities listed. Moreover, there is nothing in the Ordinance as currently drafted which would prevent RMHH from amending its mission statement and contracting with agencies consistent with that change. RMHH's "solution" to alleviate the neighborhood's concerns regarding the provision of services to the general public only invites further enforcement issues.

In addition, the fact that RMHH only provided an exemplary list of contracting entities highlights its continued inability to provide appropriate and accurate estimates of anticipated use. RMHH did include in its amended application a Programming Overview which purports to provide anticipated numbers for each community service and/or activity. However, it is unclear how RMHH can accurately predict anticipated usage when it has only provided *potential* lists for contract entities providing referrals. Currently the list includes twenty-one potential contract agencies.

RMHH has also wholly failed to address the concerns related to the provision of an emergency shelter. The amended PUD includes "Up to 600 square feet to provide short term (typically for 12 hours or less) shelter, assessment and essential services to clients that arrive at the facility outside of normal business hours, as outlined in the Overnight Intake Flow Process." Although the proposed Ordinance also specifically prohibits the use of the property for an emergency homeless shelter, the two community emergency transition rooms for individuals and families are functionally the same. In addition, the Overnight Intake Flow Process indicates that there are three ways in which people arrive at RMHH: (1) walk in, (2) referral from contracted entity, and (3) referral from an entity not under contract. While the Overnight Intake Flow Process outlines the procedures for referrals, whether by a contracted entity or otherwise, it does not even address walk in procedures.

This highlights the Graham's continuing concern that provision of these services is already taking place inconsistent with the current RM30 zoning requirements. Although this concern was outlined in my October 26, 2016 letter it bears repeating here. By way of letter circulated to neighbors in the area, RMHH made clear that the rezone would allow them to offer two community transition rooms which "build upon their *current* 24/7 single-point-of-contact agreement with the City of Bismarck." RM30 allows group dwellings; however, group dwellings only include buildings where persons residing therein are domiciled more or less permanently, in contrast with transient residents characteristic of hotels and emergency shelters. *See* Section 14-02-03 of the Bismarck Code of Ordinances.

After RMHH's initial rezone request was denied by the Planning and Zoning Commission in 2013 and similarly denied on appeal to the City Commission in 2014 it became apparent that RMHH was using its facility as a single point of entry for persons who are homeless. Cynthia Graham filed a formal complaint with the Community Development Department on June 26, 2014. In response, the Director of Community Development indicated that the situation had been rectified and that all officers were aware that they should not direct homeless persons to the facility. Now

January 25, 2017

Page 3

RMHH has indicated that contrary to the direction of the Director of Community Development they are operating as a single point of entry for persons who are homeless. This issue not only underlines the Grahams' greatest concerns but suggests that even if the proposed Ordinance prohibits an emergency shelter history indicates that RMHH will not abide by the prohibition and enforcement will not be forthcoming.

The amended PUD proposed by RMHH fails to address and alleviate the Grahams' concerns. As the testimony at the October 26, 2016 hearing established, their concerns surrounding safety, increased criminal activity, and ongoing violations of the Bismarck Code of Ordinances are grounded in fact and reason. RMHH's superficial changes are insufficient to garner the Grahams' support and should be insufficient to garner the Planning and Zoning Commission's support as well. Therefore, the Grahams request that the Planning and Zoning Commission deny this PUD application.

Respectfully submitted,



Briana L. Hildebrand

Enclosure



Community Development Department

July 28, 2014

Cynthia Graham
915 North 10th Street
Bismarck, ND 58501

RE: Ruth Meiers – 1100 East Boulevard Avenue

Dear Ms. Graham:

The purpose of this letter is to provide a written response to your formal complaint dated June 26, 2014 regarding the above-referenced building and the use of the facility for single point of entry activities for persons who are homeless.

We began researching your complaint upon receipt of your letter. We first looked at the Ruth Meiers website to see where those seeking shelter were being directed. The narrative for single point of entry states that the 1100 East Boulevard Avenue location only provides this service to those already living in Ruth Meiers facilities. It also states that they hope to provide those services to the community from their 305 North 23rd Street location in the near future.

We then checked with the City's Police Department and asked where they were directing persons who are homeless to be assessed before receiving services. The issue was researched by the Police Department and a call was made to the 1100 East Boulevard Avenue facility asking where the Police Department should be directing people who are homeless and in need of services. This was done without indicating that a complaint had been received. The response from the person at Ruth Meiers was that they should not be directing them to the 1100 East Boulevard address. If the homeless person was a male, the Police were asked to refer them to the 23rd Street Emergency Shelter. If the person(s) was a female or a family, they were asked to have them call the main phone number and they would determine over the phone where to direct them. The person at Ruth Meiers was adamant not to send or refer anyone to the 1100 East Boulevard address because it was against City zoning rules. A copy of Lt. Cysewski's report to Police Chief Donlin is attached for your information.

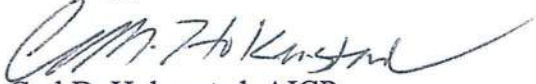
It appears that prior to our contacting the Police Department, not all officers were aware that they should not be directing persons who are homeless to the 1100 East Boulevard Avenue facility. This has now been rectified and all officers, who are often the first point of contact, are now aware that homeless persons are not to be directed to the new facility.

We will continue to monitor this situation to ensure that single point of entry activities for people who are homeless are not occurring at this facility.



If you have any questions or need any additional information, please feel free to contact Planning Manager Kim Lee, Building Official Brady Blaskowski or me.

Sincerely,

A handwritten signature in dark ink, appearing to read "C. D. Hokenstad", with a long, sweeping horizontal stroke extending to the right.

Carl D. Hokenstad, AICP
Director of Community Development

cc: Mayor Seminary
Commissioner Grossman
Commissioner Askvig
Commissioner Guy
Charles Whitman, City Attorney
W. C. Wocken, City Administrator
Keith Hunke, Assistant City Administrator
Dan Donlin, Chief of Police

Bismarck Police Department

MEMO

Date: 7-12-2014

From: Lt. Cysewski

To: Chief Donlin

Re: Ruth Meier's Hospitality House

On 7-11-14, I had Off. Moritz stop at Ruth Meier's former location, 1800 E. Broadway to see if the building was signed in any manner to notify people where to go for services, since this location had been closed. Off. Moritz advised me that the building is currently being remodeled by new owners. She said there were signs on the doors stating "closed" and there was a handwritten message on each sign stating "relocated to 1100 E. Boulevard Av." Off Moritz stated that she had talked to one of the construction supervisors at this location, and he told her they had a lot of people stopping and looking for the Ruth Meier's House since they had moved out, so he had written the note on the closed signs to tell people they had moved to 1100 E Boulevard Av.

After learning this information from Off. Moritz, at 1047 hrs., I called the Ruth Meier's Mens Shelter at 305 N. 23rd St., Ph# 223-8454. I had no answer here, and only got a recorded message. Then, at 1048 hrs., I called the phone number for the 1100 E. Boulevard location, Ph# 222-2108.

A lady answered stating it was "Ruth Meier's". I identified myself as Lieutenant Cysewski with Bismarck Police Department. I told her I was calling because I understood they had moved from their previous location on Broadway. She said "yes" that they had moved from that location back in April to the old Baptist Home. I told her that I was wondering since they had moved, where we were supposed to refer people to who were looking for services. She asked if it was for a male or a female. I advised her that I just wanted to know where to refer people to who were looking for any assistance from their single point of entry program. She stated that this was kind of tricky as due to the City's zoning restrictions on their Boulevard location, they could not have homeless people coming to that location.

She said if it was a male subject, they should be referred to the Men's Shelter at 305 N. 23rd Street, and it is open from 9:00 PM to 10:00PM every evening. She said this is the only time period it was open for services for men. I asked where we would refer women

or families with children. She again stated that due to their zoning restrictions with the City they could not have people stopping at the Boulevard location, and it would be best to just have women or families call them at the Boulevard phone number. She stated most of the time their facilities are full and they may not have any room.

I then tried to clarify with her that anyone needing single point of entry services, needed to call them and there was no place to send them to for assistance. She said "yes" as due to the zoning restrictions the City had on them, they did not want subjects referred to the Boulevard location, as it was just a residential facility. I then asked if they were still operating the soup kitchen anywhere, and she said they were not. She said they do provide meals at the Boulevard location, but only for residents that live there.

Later in the day, I did call back and informed them that the signs they had on the doors at 1800 E. Broadway had a message placed on them, telling people they had relocated to 1100 E. Boulevard Av.

A handwritten signature in cursive script, reading "Steve Cysewski".

Lt. Steve L. Cysewski
Patrol Commander
Bismarck Police Department

January 20, 2017
1111 N 12th Street
Bismarck, ND 58501

Wayne Yeager, Chairman
Bismarck Planning and Zoning Commission
221 North 5th Street
Bismarck, ND 58506

Dear Chairman Yeager:

Enclosed are petitions representing the property owners who are opposed to rezoning 1100 E. Boulevard Avenue to a planned unit development (PUD).

Please make these petitions a part of the public record prior to the Bismarck Planning and Zoning Commission rezoning hearing on January 25, 2017.

Thank you for your assistance with these petitions.

Sincerely,

A handwritten signature in cursive script that reads "Debbie Duppong".

Deborah Duppong

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME (Signature)	ADDRESS:	DATE:
<u>Cathy Williams</u>	<u>3983 Robinson Circle</u>	<u>10/12/16</u>
<u>Glenda Witzchel</u>	<u>317 N Griffin St</u>	<u>10/12/16</u>
<u>Bar Block</u>	<u>1120 N. 12th St</u>	<u>10-13-16</u>
<u>Wayne Block</u>	<u>1124 N 16th St</u>	<u>10-13-16</u>
<u>Shirley Oster</u>	<u>1120 N 12th St</u>	<u>10 13-16</u>
<u>Naomi Lauf</u>	<u>1120 N. 12th St.</u>	<u>10-13-16</u>
<u>Karen Oster</u>	<u>1208 Meredith Dr.</u>	<u>10-15-16</u>
<u>Walter J Oster</u>	<u>1208 - Meredith Dr.</u>	<u>10-15-16</u>
<u>Jeanette E Oster</u>	<u>1208 Meredith Dr.</u>	<u>10-15-16</u>
<u>Barb Muddaugh</u>	<u>1111 N. 1st St.</u>	<u>10-15-16</u>
<u>Margaret Heere</u>	<u>1830 E Capital</u>	<u>10-15-16</u>
<u>Garbara Fischer</u>	<u>808 Santa Fe Ave</u>	<u>10/15/16</u>
<u>Michael Schud</u>	<u>2801 E Rosser^{RD 4}</u>	<u>10/15/16</u>
<u>Jerome Kelach</u>	<u>708 Concord Dr.</u>	<u>10-15-16</u>
<u>Charles E. Friedrich</u>	<u>1786 Volker Dr - Bismarck 58501</u>	<u>10/15/16</u>
<u>Leo M. Schmidt</u>	<u>529 Columbia Dr. Bismarck ND 58504</u>	<u>10-15-16</u>
<u>Norman Albers</u>	<u>2037 Grimsrud Dr Bismarck ND 58501</u>	

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME (Signature)	ADDRESS:	DATE:
<u>Emma Holtz</u>	<u>1006 N 28th 90369</u>	<u>10/11/2016</u>
<u>Dwight Utts</u>	<u>827 N 19</u>	<u>10/11/16</u>
<u>Glenn Berg</u>	<u>509 24th 19</u>	<u>10/11-16</u>
<u>Wayne Anderson</u>	<u>P.O. Box 813- Bism</u>	<u>10-11-16</u>
<u>Joan Wilson</u>	<u>630 E. TURNER AVE</u>	<u>10/11/16</u>
<u>James Kgdv</u>	<u>335 Shelby Ave</u>	<u>10/11/16</u>
<u>Wilma Binder</u>	<u>1120 N. 12th St #19</u>	<u>10/11/16</u>
<u>Anna Feist</u>	<u>2820 - Illinois Ave</u>	<u>10/11/16</u>
<u>Harry Stankovic</u>	<u>2725 1st Avenue North</u>	<u>10-11-16</u>
<u>Ernest Schluess</u>	<u>2930 Ontario Ave #2</u>	<u>10-12-16</u>
<u>Cleto Martin</u>	<u>1316 Golden Eagle</u>	<u>10-12-16</u>
<u>Mary Ann Krumm</u>	<u>1033 Lakeview</u>	<u>10-12-16</u>
<u>Lil Heisbeck</u>	<u>971 Santa Fe</u>	<u>10-12-16</u>
<u>Phyllis Mott</u>	<u>1950 E. Capital Ave</u>	<u>10-12-16</u>
<u>Linda Fournier</u>	<u>5023 Redcoat</u>	<u>10-12-16</u>
<u>Pelle Jochem</u>	<u>1122 N 17th</u>	<u>10-12-16</u>
<u>Deborah Brown</u>	<u>700 N 27th St</u>	<u>10-12-16</u>

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME (Signature)	ADDRESS:	DATE:
<u>Sherley Lane</u>	<u>821 N. 32nd St.</u>	<u>10-11-16</u>
<u>Lurinda Reis</u>	<u>507 S. 14th St</u>	<u>10-11-16</u>
<u>Gregory R Rudy</u>	<u>2319 Hoover Ave</u>	<u>10-11-16</u>
<u>Leona Fried</u>	<u>2036 N Karanay Dr</u>	<u>10-11-16</u>
<u>Brigitte Hink</u>	<u>2723 Gateway Dr</u>	<u>10-11-16</u>
<u>Norma Sayles</u>	<u>626 Nelson Dr</u>	<u>10-11-16</u>
<u>Harold Jensen</u>	<u>100 E. Branding Dr</u>	<u>10-11-16</u>
<u>Larry Feltz</u>	<u>7417 Dogwood Dr Bis</u>	<u>10-11-16</u>
<u>Mom Chisholm</u>	<u>6050 93rd ST SE</u>	<u>10-11-16</u>
<u>Uwe Stever</u>	<u>BISMARCK 4465 River Dr Bis</u>	<u>10-11-16</u>
<u>Lynne Richter</u>	<u>1600 Jefferson ^{#324} Ave</u>	<u>Bis 10/11/16</u>
<u>Johanna Utter</u>	<u>515 N 8th</u>	<u>Bis 10-11-16</u>
<u>John B LaFrancois</u>	<u>607 N 23</u>	<u>Bis 10-11-16</u>
<u>Steve LaFrancois</u>	<u>4602 Gates DR</u>	<u>Bis 10-11-16</u>
<u>Monte N. Feltz</u>	<u>2401 JACKSON AVE</u>	<u>Bis 10-11-16</u>
<u>James D. Wagner</u>	<u>8120 NORTHACORN DR</u>	<u>BIS 10-11-16</u>
<u>Ken Hill</u>	<u>337 Telstar DR</u>	<u>Bis 10-11-16</u>

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue

NAME	ADDRESS:	DATE:
Dave Satter	901 N. 10 th St	9/30/16
Barlene Heer	919 N. 10 th	09/30/16
Gene Scherer	1015 N. 11 th St	9/30/16
Dennis Haider	1027 N 11 th St	9/30/16
Barlene Haider	1027 N 11 th St	9-30-16
Sylvia Savenko	1009 N 11 th ST	9-30-16
John Hallgren	1010 N. 11 th ST.	9-30-16
Birgit Savenko	1009 N. 11 th ST.	9-30-16
Sheryl	1021 N. 11 th St	9-30-16
George Prosser	1021 1/2 N 11 th ST	9/30/16
Chris Schmitt	1025 N 11 th ST	9/30/16
Bonnie Schmitt	1025 N. 11 th St	9/30/16
Wesley Schmitt	1022 N 11 th St	9-30-16
David P. Felt	1114 E Ave F	9-30-16
Wesley	1120 E AVE F	9/30/16
Shirley Lofgren	929 N. 11 th St	9/30/16
Brady Lofgren	929 N 11 th St	9/30/16

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue

NAME	ADDRESS:	DATE:
Raula H. Heipel-Chae	817 N. 10 th St	10-8-16
BRENT MOE	817 N. 10 th St	10-8-16
Mary Adam	821 N 10 th St	10-8-16
Breanna Sawall	823 N 10 th St	10-8-16
Julie Tello	905 N 10 th St	10-8-16
Julie Tello	906 N 11 th St	10/11/16
Christi Schneider	906 N 11 th St	10/11/16
Julie Tello	908 N 10 th St	10/11/16
Rebecca W. Schlenker	1002 N 11 th St	10/14/16
Mary Schlenker	1002 N 11 th St	10/14/16
Chad Trum	912 N 11 th St	10/14/16
Karen Miller	828 N 10 th St	10-14-16
Maggie Belanovic	1102 E Ave E	10-15-16
Svetlo Belanovic	1102 E Ave E	10-15-16
Guy Mc Donald	909 N 11 th St	10-15-16
Theresa Skowron	901 N 11 th St	10-15-16
Harold L. Schneider	901 N 11 th St	10-15-16

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue

NAME	ADDRESS:	DATE:
<u>Radine Philp</u>	<u>928 N 10th St.</u>	<u>9-30-16</u>
<u>Day Philp</u>	<u>928 N 10th St</u>	<u>9-30-16</u>
<u>Frank Schwickelberg</u>	<u>927 N. 10th St.</u>	<u>9-30-16</u>
<u>Reg Schickelberg</u>	<u>927 N 10th St</u>	<u>9-30-16</u>
<u>Angela [Signature]</u>	<u>917 N 10th St</u>	<u>9-30-16</u>
<u>[Signature]</u>	<u>917 N 10th St</u>	<u>9-30-16</u>
<u>Mark Brown</u>	<u>1001 N. 11th</u>	<u>10/2/16</u>
<u>Walter [Signature]</u>	<u>920 N 10th</u>	<u>10/2/16</u>
<u>Doreen John</u>	<u>915 N 11th</u>	<u>10-3-16</u>
<u>Diner Groves</u>	<u>902 N. 10th</u>	<u>10-3-16</u>
<u>Shirley Olson</u>	<u>931 N 10th</u>	<u>10-6-16</u>
<u>Bev Salter</u>	<u>901 N 10th</u>	<u>10-8-16</u>
<u>Kristopher Skott [Signature]</u>	<u>1011 E Ave E</u>	<u>10/8/16</u>
<u>Rebecca [Signature]</u>	<u>1011 E Ave E</u>	<u>10/8/16</u>
<u>Brent Behrens</u>	<u>1010 E Ave D</u>	<u>10-8-16</u>
<u>Heather Behrens</u>	<u>1010 E Ave D</u>	<u>10-8-16</u>
<u>Mary Ann Behrens</u>	<u>811 North 10th</u>	<u>10-8-16</u>

HAND DELIVERED

[illegible]

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME (Signature)	ADDRESS:	DATE:
Garry Stinar	1215 E Ave E	15 OCT 2016
Tyler Pannerville	902 N. 13 th St	15 Oct 2016
Angie O'Connor	902 N 13 th St	15 Oct 2016
Josh Bauer	830 N 13 th St	15 Oct 2016
Kelley Hoge	820 N 13 th St	15 Oct 2016
Brenda Jans	902 1/2 N. 12 th St	10/15/16
Brenne Miller	902 N. 12 th St	10/15/16
Lisa Bohner	805 N. 10 th St	10/16/16
Bill Bohner	805 N 10 th ST	10/17/16
My Guin	1002 E Ave F	10/17/16
Eugene Selver	931 N - 13 th St	10/17/16
Doug Kitzman	931 N 13 th ST	10/17/16
B. B. B. B. B.	1104 E 1 st Ave E	10/17/16
Pauline E. E. E.	" " " "	10-17-16
John F. F.	1301 10th Ave SE	10-17-16
Norman L. Letch	1029 N 11 th	10-19-16
Mary Letch	1029 N. 11 th	10-19-16

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue

NAME	ADDRESS:	DATE:
John A. Ottens	1026 N. 10 th St	1 Oct 2016
Elizabeth Fahrenen	1008 N. 10 th St	Oct 1, 2016
Rebecca Weir	1025 N. 10 th St	Oct 1, 2016
Charles Goller	1025 N 10 th St	Oct 1, 2016
Betty Na	917 1/2 N 11 th St	Oct 1, 2016
David L. Bayh	917 N 11 th St	Oct 1, 2016
William N. Nulke	1015 East Ave E.	Oct. 1, 2016
Channing Bernhardt	1000 N 10 th	Oct. 2 2016
Bob Blue	1000 N 10 th	Oct 2 2016
G. B. O.	1012 N 10 th	Oct 2 2016
Jacy Mar	1030 N 10 th	Oct 2, 2016
Ken Z. Z.	1030 N 10 th St	Oct 2 - 2016
Mindy Bittner	1021 N 10 th St	Oct 2, 2016
Mark Wadoski	1018 N 10 th St	Oct 2, 2016
Clark Wadoski	1015 N 10 th St	Oct 2 2016
Chli Wadoski	1015 N 10 th St	Oct 2, 2016
Dawn Packard	1001 N. 11 th St	Oct 2, 2016

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME (Signature)	ADDRESS:	DATE:
<u>Adeline Essig</u>	<u>1116 N 14th St</u>	<u>10-19-16</u>
<u>Allan Jensen</u>	<u>1302 N 13th St</u>	<u>10-19-16</u>
<u>Erin M</u>	<u>1318 N 13 St</u>	<u>10-19-16</u>
<u>Edward Banga</u>	<u>1322 N 13th</u>	<u>10-19-16</u>
<u>Bau Johnson</u>	<u>1325 W 13th St</u>	<u>10-19-16</u>
<u>Jeff Boots</u>	<u>1019 N 13th St</u>	<u>10-19-16</u>
<u>Ken E. Paul</u>	<u>1029 N 13th</u>	<u>10-19-16</u>
<u>[Signature]</u>	<u>1320 E Ave F</u>	<u>10-19-16</u>
<u>[Signature]</u>	<u>1810 N 14th St</u>	<u>10-19-16</u>
<u>[Signature]</u>	<u>1014 1/2 N 14</u>	<u>10-19-16</u>
<u>[Signature]</u>	<u>1334 N Washington St</u>	<u>10-19-16</u>
<u>Walter Wil</u>	<u>1126 N 14th</u>	<u>10/19/16</u>
<u>[Signature]</u>	<u>1124 14th</u>	<u>10/19/16</u>
<u>Sherry J. Tare</u>	<u>1121 N 14th St</u>	<u>10/19/16</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME (Signature)

ADDRESS:

DATE:

Erik + Dawn Swansa

1306 N 13th St

10/23

Jessie Meekle

1310 N 13th St

10/23

Elizabeth Vangys

1123 N 13th St

10/23

Aoi Ell

1310 E Blvd Ave

10/23

Zodd Ell

1121 N 13th St

10/23

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME (Signature)	ADDRESS:	DATE:
Madalena Kiefa	1420 N 13 th St	10 19
Rubio Ammendy	1500 N 13 th St	10/19/2016
Trinity Vogel	1510 N 13 th St	10/19/2016
Paul Becker	1600 1/2 N 13 th St	10/19/2016
Beverly Kane	1601 N 13 th St.	10-19-16
Leonith Barba	1851 N 13 th St	10-19-16
Gene M. Wentz	1425 N 13 th St	10-19-16
Genie Rath	1419 E. Central	10-19-16
Jackie Weing	1408 N 18 th St	10-20-16

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue

NAME	ADDRESS:	DATE:
Deek Hall	1010 N 9th St.	10-20-16
Jordan Becic	1020 N 9th St	10/20/16
Kevin Shelley	1030 N 9th	10/20/16
Lucia Shelley	1030 N 9th	10/20/16
Emma Stalle	1029 N 9th	10-20-16
Brita Larson	1017 N 9th St	10/20/16
Jay Ann	1017 N 9th St	10-20-16
J. Mc	1021 N 9th St	10-21-16
Pamela Arne	1015 N 9th St	10-21-16
Linda Frankfurth	1011 N 9th St	10-21-16
Loren Frankfurth	1011 N 9th St.	10-21-16
Stacy Gieser	927 N 9th	10-21-16
Debra Menar	923 N 9	10-21-16
Neal Thomas	909 N 9th St	10-21-16
Bobby Daehler	1020 N 14th	10-23-16
Jayce Daiber	1327 E Blvd Ave	10-23-16
W. Shurway	1325 E BLVD AVE	10-23-16

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue:

DATE:

Georg Fische
Heinrich Fische

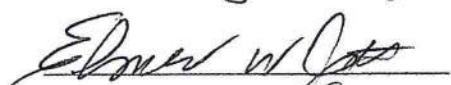

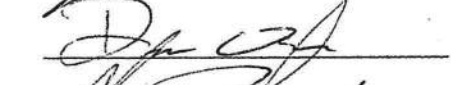
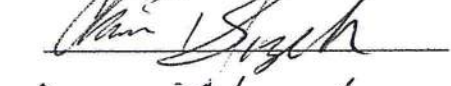
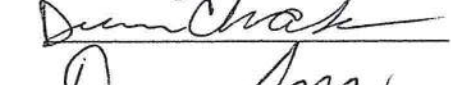

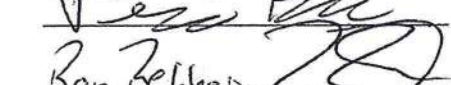
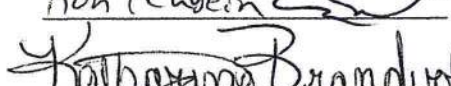
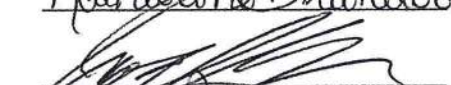
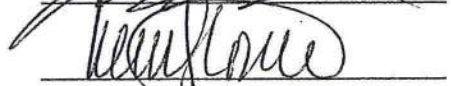
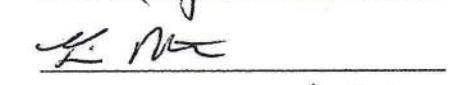
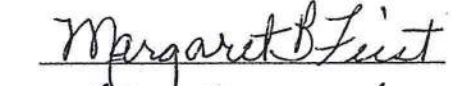
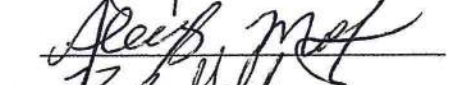
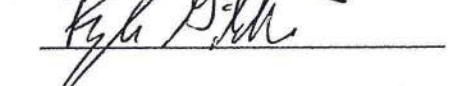

903 S. 17th St
903 S. 17th

10-22-16
10-22-16

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED


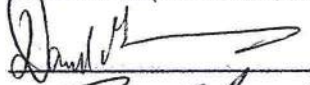

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NAME (Signature)	ADDRESS:	DATE:
	1305 N 12	10-7-16
	1213 N. 13 th ST	10-20-16
	1121 N 12	10-20-16
	1118 N 13 th	10-20-16
	1110 1/2 N 13 th	10-20-16
	1107 1/2 N 12	10-20-16
	1107 N 12 th ST	10-20-16
	1202 E. Boulevard Ave	10-21-16
	1206 E Boulevard Ave	10-21-16
	1206 E Boulevard Ave	10-21-16
	925 N. 13 th St	10-21-16
	915 N 13 th St	10-21-16
	1416 N. 12 th ST	10-22-16
	1420 N 12 th ST	10/22/16
	926 N 14 th St.	10/22/16

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NAME (Signature)	ADDRESS:	DATE:
	1120 12th St	10-12-16
Herman + Cecelia Louch	1120 - 12th St #1	10-12-16
Linnea Schneider	1120 - 12th St #17	10-12-16
Joan B. Frostad	1120 N. 12th St #17	10-12-16
Gloria Duvell	1130 N. 12th St #27	10-12-16
Gregg Napst	1120 N. 12th St.	10-12-16
John Wang	1301 N 11th St	10/14/16
Patricia Bosch	1201 N 11th St	10/14/16
Wade Mu	1421 N. 12th St.	10/14/16
Katie Mathern	1421 N. 12th St	10-14-16
Jerry Wittenberg	1213 N 12th St	10-15-16
Donna m Blauvelt	1304 N 12th St	10-15-16
	1220 N 12th St	10-15-16
Ronald Lynch	1205 N 12th St	10-15-16
	1000 Calvert Dr	10-15-16
Lindsey Bickler	1418 N 20th St.	10-15-16
Bob Baker	1418 N 20th St.	10-15-16

TO: Bismarck Planning and Zoning Commission

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NAME (Signature)	ADDRESS:	DATE:
<u>Helma Wiedrich</u>	<u>1120 N 12th St #5</u>	<u>10/12/16</u>
<u>Helma Schell</u>	<u>1120 N 12th St #2</u>	<u>10/12/16</u>
<u>Caroline Wied</u>	<u>1120 N 12th St #22</u>	<u>10/12/16</u>
<u>Sharon Kornach</u>	<u>1120 N 12th St #3</u>	<u>10/12/16</u>
<u>Alice Morris</u>	<u>1120 N 12th St #20</u>	<u>10/12/16</u>
<u>Vernon Usher</u>	<u>" " #4</u>	<u>10/12/16</u>
<u>George Wiedrich</u>	<u>1120 N 12th St #5</u>	<u>10/12/16</u>
<u>Stacy Wolden</u>	<u>1200 N 12th St</u>	<u>10/13/16</u>
<u>Lee Miller</u>	<u>1200 N 14th St</u>	<u>10-13-16</u>
<u>Elizabeth Wentz</u>	<u>1302 Porter Ave</u>	<u>10-14-16</u>
<u>Eric Wentz</u>	<u>1209 N 13th St</u>	<u>10-14-16</u>
<u>Danell W. and</u>	<u>1229 N 13th</u>	<u>10-14-16</u>
<u>Muel Becker</u>	<u>1200 North 11th</u>	<u>10-14-16</u>
<u>Danell W.</u>	<u>1404 North 11th</u>	<u>10-14-16</u>
<u>Marlynn Kraft</u>	<u>1317 North 11th</u>	<u>10-14-16</u>
<u>Sheryl H. Black</u>	<u>1316 N 11th St</u>	<u>10-14-16</u>
<u>Kathleen Wangen</u>	<u>1301 N 11th St</u>	<u>10/14/16</u>

TO: Bismarck Planning and Zoning Commission

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NAME (Signature)	ADDRESS: Bis	DATE:
<u>Ine Olson</u>	<u>1417 N. 11th</u>	<u>10-16-16</u>
<u>Gerald Olson</u>	<u>1417 N. 11th Bis</u>	<u>10-16-16</u>
<u>Raylene Matt</u>	<u>1416 N 11th St</u>	<u>10-16-16</u>
<u>Cindy Steckler</u>	<u>1433 N. 11th St.</u>	<u>10-16-16</u>
<u>Shelley Steckler</u>	<u>1433 N 11th St.</u>	<u>10-16-16</u>
<u>Ken Stutke</u>	<u>1433 N 11 St</u>	<u>10-16-16</u>
<u>JoAnn Baker</u>	<u>1428 N. 12th St.</u>	<u>10-16-16</u>
<u>John A. Baker</u>	<u>1428 N. 12th St</u>	<u>10-16-16</u>
<u>Joan Feist</u>	<u>826 W 12 st</u>	<u>10-16-16</u>
<u>My Hu</u>	<u>1324 N. 12th St</u>	<u>10-16-16</u>
<u>Don Alm</u>	<u>1401 Nth 11th</u>	<u>10-16-16</u>
<u>Stephanie Leg</u>	<u>1000 Calvert Dr.</u>	<u>10/17/16</u>
<u>L Th</u>	<u>1213 N 11th Bis, ND</u>	<u>10/20/16</u>
<u>D. Bunn</u>	<u>1313 N 11th Bis, ND.</u>	<u>10/20/16</u>
<u>Heidi Kess</u>	<u>1408 N. 11th St.</u>	<u>10/20/16</u>
<u>Grace Henson</u>	<u>1424 N 12th St Bis. 11058501</u>	<u>10-20-16</u>
<u>[Signature]</u>	<u>Bismarck ND 1212 N 12th St</u>	<u>10/20/16</u>

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue

NAME	ADDRESS:	DATE:
Preston Debele	1208 N 12 th St	10/8/16
Ruby Halym	1212 Braman Dr	10/8/16
Colleen Park	1401 N 12 th St	10/8/16
D. Dangler	1453 N 12 th S-1	10/8/16
Debra Strand	1433 N 12 th St B	10/8/16
David Thomas	1445 N. 12 th St.	10/8/16
Ryan Dray	1449 N 12 th St	10/8/16
Margaret Pretzer	1453 N. 12 th	10-8-16
Clad Lison	1111 N. 12 th St. #3	10-8-16
Keaton Ables	1111 N 12 th St #4	10-10-16
Ken Hunter	111214 Porter	10-13-16
Tara Keith	1200 Porter Ave	10-13-16
Russell Dishow	1209 N. 12 St Bismarck ND	10-13-16
Shawn Mittelstadt	623 N 12 th St. Bismarck ND	10-13-16
Stephanie Vodgecum	1320 N 12 th St Bismarck	10-13-16
Mareen Steckert	1308 N. 12 th St B5	10-13-16
Michael Hoffert	1217 N 12 th St	10-13-16

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue

NAME	ADDRESS:	DATE:
<u>William Schreiner</u>	<u>1111 N 12th Apt 2</u>	<u>10/3/16</u>
<u>Anna Welch</u>	<u>1204 N 11th St</u>	<u>10/3/16</u>
<u>Charles Telford</u>	<u>1208 N 11th St</u>	<u>10/3/16</u>
<u>Helen Telleus</u>	<u>1208 N 11th St</u>	<u>10/3/16</u>
<u>Patty Roth</u>	<u>1224 N 11th St.</u>	<u>10/3/16</u>
<u>Oren Danielson</u>	<u>1300 N 11 St</u>	<u>10/3/16</u>
<u>Cindy Kohrick</u>	<u>1308 N. 11th St.</u>	<u>10/3/16</u>
<u>Doreen Londersten</u>	<u>1312 N 11 St</u>	<u>10-3-16</u>
<u>May Buech</u>	<u>1320 N 11 st</u>	<u>10-3-16</u>
<u>Shawna Elmer</u>	<u>1412 N 11th St</u>	<u>10-3-16</u>
<u>marlye Andrusak</u>	<u>1432 N 11th St</u>	<u>10-3-16</u>
<u>Tammie Duppong</u>	<u>1111 N 12th St #1</u>	<u>10-3-16</u>
<u>Lee Duppong</u>	<u>1111 N 12th St. #1</u>	<u>10-3-16</u>
<u>Debbie Duppong</u>	<u>1111 N 12th St. #1</u>	<u>10-3-16</u>
<u>Janja M Mue</u>	<u>1220 N 11th St</u>	<u>10-7-16</u>
<u>Janmy Lindale</u>	<u>1304 N 11th St</u>	<u>10/8-16</u>
<u>Debbie Sordahl</u>	<u>1420 11th</u>	<u>10/8/16</u>

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue

NAME	ADDRESS:	DATE:
<u>Mary M. Miller</u>	<u>1428 N. 11th St.</u>	<u>10-08-2016</u>
<u>Bronald L. Miller</u>	<u>1428 N 11th St</u>	<u>10-08-16</u>
<u>John J. Lind</u>	<u>1205 N. 11th St</u>	<u>10-08-16</u>
<u>Donna J. Lind</u>	<u>1305 N. 11th St.</u>	<u>10-08-16</u>
<u>John A.</u>	<u>1209 N 11th St.</u>	<u>10-8-16</u>
<u>Joseph Stuart</u>	<u>1217 N 11th St</u>	<u>10-8-16</u>
<u>Michelle Rusch</u>	<u>1225 N. 11th St.</u>	<u>10-8-16</u>
<u>Steve Wolder</u>	<u>1309 N. 11th St</u>	<u>10-8-16</u>
<u>Mary Braun</u>	<u>1321 N 11th St</u>	<u>10-8-16</u>
<u>Corey Thompson</u>	<u>1316 N 12th St</u>	<u>10-8-16</u>
<u>Melissa Caine</u>	<u>1316 N 12th St</u>	<u>10-8-16</u>
<u>Kurt Bean</u>	<u>1312 N 12th St</u>	<u>10-8-16</u>
<u>Jonny Lee</u>	<u>1300 N. 12th St</u>	<u>10-8-16</u>
<u>Donna Thompson</u>	<u>1224 N. 12th St.</u>	<u>10-8-16</u>
<u>John W.</u>	<u>1224 N. 12th St.</u>	<u>10-8-16</u>
<u>Mark W.</u>	<u>1224 N 12th St</u>	<u>10-8-16</u>

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue

NAME	ADDRESS:	DATE:
<u>Ella Leithmiller</u>	<u>1120 N. 12th St.</u>	<u>10-12-2016</u>
<u>Joyce Nelson</u>	<u>1120 N. 12th St</u>	<u>10-12-2016</u>
<u>Robert M. Keeler</u>	<u>1120 12th St</u>	<u>10-12-2016</u>
<u>Dale Myerson</u>	<u>1124 N. 13th St.</u>	<u>10-16-2016</u>
<u>Zach Teskey</u>	<u>1112 N 13th St</u>	<u>10-16-2016</u>
<u>Dr. R. K. Kitch</u>	<u>1110 N 13th St</u>	<u>10-16-2016</u>
<u>Dr. R. K. Kitch</u>	<u>1108 N. 13th St</u>	<u>10/16/2016</u>
<u>Dr. R. K. Kitch</u>	<u>1214 E Blvd. Ave</u>	<u>10/16/2016</u>
<u>Dr. R. K. Kitch</u>	<u>1204 E Blvd. Ave</u>	<u>10/16/2016</u>
<u>Darwin Howard</u>	<u>1304 N. 12th St.</u>	<u>10/16/16.</u>
<u>Chris K. Kitch</u>	<u>1313 N 12</u>	<u>10-16-16</u>
<u>Carl K. Kitch</u>	<u>1413 N 4th</u>	<u>10-16-16</u>
<u>Mr. K. Kitch</u>	<u>1425 N 12th St</u>	<u>10-16-16</u>
<u>Adela K. Kitch</u>	<u>1429 N. 12th St</u>	<u>10-16-16</u>
<u>Mr. K. Kitch</u>	<u>1429 N 12th</u>	<u>10-16-16</u>
<u>Mr. K. Kitch</u>	<u>1412 North 12th</u>	<u>10-16-16</u>
<u>Robert K. Kitch</u>	<u>1465 N 11th</u>	<u>10-16-16</u>

HAND DELIVERED

NAME (Signature)

DATE:

1019 N 12th St #1

10/18/14

1019 N 12th St #1

10/18/16

322 N 13th St

10/20/16

1001 N 12th Street

10/20/16

1008 N 13th St.

10/20/16

1215 E Blvd av

10-20-16

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue

NAME	ADDRESS:	DATE:
<u>Deanne Fisher</u>	<u>Bismarck ND</u> <u>10-20-16</u>	<u>422 S. 13th St</u> <u>10-20-16</u>
<u>Anton Wilch</u>	<u>1213 Ave D-E 757</u>	<u>10/20/16</u>
<u>John LaFrancois</u>	<u>617 N. 23rd St</u>	<u>10/20/16</u>
<u>Buddy Foleha</u>	<u>1119 University Dr 1220</u>	<u>10/20/16</u>
<u>Richard Fisher</u>	<u>1119 University Dr #1220</u>	<u>10/20/16</u>
<u>Ruth Stewart</u>	<u>616 N 31st St</u>	<u>10/20/16</u>
<u>Marius Anderson</u>	<u>1815 Burnt Boat Dr</u>	<u>10/21/16</u>
<u>JoAnn E. Marsh</u>	<u>131 E. Bt - Expt</u>	<u>" " "</u>
<u>Richard Burton</u>	<u>Box 2579</u>	<u>" " "</u>
<u>Cindy Bosworth</u>	<u>605 S. 13th St</u>	<u>10/22/16</u>
<u>Dave Rodenkirch</u>	<u>418 South 13th St.</u>	<u>10-22-16</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue

NAME	ADDRESS:	DATE:
Roger Kuehl	1021 N 14th	10-24-16
Lorraine Kuehl	1021 N 14	10-24-16
Spencer Atkinson	1001 W 14th St.	10-24-16
Vattie Mehrer	1210 N 13th St.	10-24-16
Kathryn Stecker	1222 N 13	10-24-16

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME (Signature)	ADDRESS:	DATE:
<u>[Signature]</u>	<u>1304 East Boulevard Ave</u>	<u>10/24/16</u>
<u>Jodi Gader</u>	<u>1304 East Boulevard Ave</u>	<u>10/24/16</u>
<u>Jim Lutz</u>	<u>1310 E Boulevard Ave</u>	<u>10/24/16</u>
<u>Todd Schulz</u>	<u>1310 E Boulevard Ave</u>	<u>10/24/16</u>
<u>[Signature]</u>	<u>1310 E Boulevard Ave</u>	<u>10/24/16</u>
<u>[Signature]</u>	<u>1310 E Blvd Ave</u>	<u>10/24/16</u>
<u>[Signature]</u>	<u>1310 E Blvd</u>	<u>10/24/16</u>
<u>Shirley R. Miller</u>	<u>1310 E. Blvd</u>	<u>10-24-16</u>
<u>[Signature]</u>	<u>1310 E BLVD</u>	<u>10/24/16</u>
<u>Jamie Brecht</u>	<u>1923 Adams Lane ⁵⁸⁵⁰¹</u>	<u>10-24-16</u>
<u>[Signature]</u>	<u>1412 N 17th Bldg</u>	<u>10-24-16</u>
<u>Cory Ell</u>	<u>306 Archers Dr Bldg</u>	<u>10-24-16</u>
<u>Scott Mack</u>	<u>1308 East Boulevard ^{Bldg}</u>	<u>10-24-16</u>
<u>Megan Aharce</u>	<u>1308 East Boulevard</u>	<u>10-24-16</u>
<u>Tom ELL</u>	<u>2034 White Oak Loop</u>	<u>10-24-16</u>
<u>Elyse Ell</u>	<u>1308 E. Boulevard</u>	<u>10-24-16</u>
<u> </u>	<u> </u>	<u> </u>

Sex offenders with R.M as address

- ① Andrew Louis Wauerport
305 N 23rd Street (Ruth Meiers)
~~Arnon James Kulink~~
~~114 N 3rd St~~
- ② Brian Craig Schiller
305 N 23rd St. (Ruth Meiers)
- ③ David George Gunderson
305 N 23rd St. (Ruth Meiers)
- ④ Jeffrey Dean Anderson
305 N 23rd St. (Ruth Meiers)
- ⑤ Robert Lee Melland
305 N 23rd St. (Ruth Meiers)
- ⑥ Larry Gene Ruben
305 N 23rd St. (Ruth Meiers)
- ⑦ Roger Patrick Mcavoy
305 N 23rd St. (Ruth Meiers)
- ⑧ Timothy Dean Elm
305 N 23rd St. (Ruth Meiers)
- ⑨ Tyler Anthony Bishop Satterfield
(Ruth Meiers)
305 N 23rd St.
~~700 28th 200~~

Sex offenders KM as address

Alan Wayne Jackson (Ruth Meiers)
Ruth Meiers
305 N 23rd St.

James Arthur Lagein (Ruth Meiers)
Ruth Meiers
305 N 23rd

Edward Keal Manson (Ruth Meiers)
1-6-17

1100 E. Boulevard Ave
Sex offenders

(10) Allery, Seth Richard

1100 E. Boulevard Ave #27

Child neglect & Abuse

Calls Ruth Meiers home at the Family housing location.

(11) Frohlich, Andrea Lynn

1100 E Boulevard Ave

Felony Intimidation

MUSIC, DILLON E Status: REGISTERED INCARCERATED Risk Level: UNDETERMINED LIFETIME OFFENDER Aliases: MUSIC, DILLON E MUSIC, DILLO EDWARD MUSIC, DYLAN EDWARD	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 4/30/2013	5/31/2011 RAMSEY COUNTY DISTRICT COURT , ND CHILD NEGLECT & ABUSE UNKNOWN AT THIS TIME 7/1/2004 RAMSEY COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION UNKNOWN
NADEAU, WILMER DUANE Status: REGISTERED INCARCERATED Risk Level: UNDETERMINED Expiration Date: 7/10/2023 Aliases: NADEAU, WILL NADEAU, WILLIE	STATE PENITENTIARY 3100 E RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	7/10/1998 MILFORD DISTRICT COURT , MA IND. ASSAULT & BATTERY ON PERSON OVER 14 2 1/2 YRS SUSP
NEIGUM, ZACHARY ALEXANDER Status: REGISTERED Risk Level: MODERATE Expiration Date: 2/17/2036 Aliases: NEIGUM, ZACH	1427 ATLANTA DR BISMARCK, ND 58504 BURLEIGH COUNTY Last Verified Date: 3/8/2013	2/17/2011 MORTON COUNTY DISTRICT COURT , ND SEXUAL ASSAULT 3 YRS, 2 YRS 4 MOS SUSP 3 YRS SUPV PROB
NELSON, SHAWN ROBINSON Status: REGISTERED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	1301 S WASHINGTON ST BISMARCK, ND 58504 BURLEIGH COUNTY Last Verified Date: 1/14/2013	4/9/2012 BURLEIGH DISTRICT COURT , ND POSSESSION OF CERTAIN MATERIALS PROHIB. UNKNOWN
NELSON, MICHAEL ALLAN Status: REGISTERED INCARCERATED Risk Level: UNDETERMINED LIFETIME OFFENDER Aliases: NELSON, MICHAEL ALLEN NELSON, MICHAEL ALLAN NELSON, MICHAEL ALLAN NELSON, MIKE NELSON, MIKE ALLEN	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	12/16/2009 BARNES COUNTY DISTRICT COURT , ND CORRUPT/SOLICITATION OF MINOR 365 DAYS 121 DAYS CREDIT
NICKEL, MICHAEL P Status: REGISTERED Risk Level: LOW Expiration Date: 7/20/2016	706 N 6TH ST APT 2 BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 4/16/2013	11/2/2000 BURLEIGH COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 5 YRS, 4 YRS 105 DYS SUSP 5 YRS
NOBLE, ROBERT LOGAN Status: REGISTERED Risk Level: MODERATE Expiration Date: 10/3/2038	RUTH MEIERS HOSPITALITY HOUSE 1800 E BROADWAY AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	4/1/2013 WILLIAMS COUNTY DISTRICT COURT , ND CORRUPTION OF A MINOR 5 YRS 3 YRS SUSP PROB 3 YRS CRED 1 YR, 145 DAYS
NOOR, BASHIR ABDI Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	11/20/2012 CASS COUNTY DISTRICT COURT , ND CORRUPT/SOLICITATION OF MINOR 5 YRS, 3 YRS SUSP, 172 DYS CRED, 5 YRS SUPV PROB
NYGAARD, JUSTIN SETH Status: REGISTERED Risk Level: LOW Expiration Date: 5/25/2019	4603 GATES DR BISMARCK, ND 58503 BURLEIGH COUNTY Last Verified Date: N/A	11/1/2002 BURLEIGH COUNTY DISTRICT COURT , ND INCEST 5 YRS, 3 YRS SUSP FOR 4 YRS
OATMAN, JACK DAUNE Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	STATE PENITENTIARY 3100 RAILROAD AVENUE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	5/15/2013 GRAND FORKS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 20 YRS 5 YRS SUSP PROB 5 YRS CREDIT 462 DAYS
ODDEN, KENNETH WAYNE JR Status: REGISTERED Risk Level: LOW Expiration Date: 9/3/2014	1028 N 29TH ST BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 6/3/2013	6/3/1999 BENSON COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 10 YRS, ALL BUT 90 DYS SUSP 5 YRS
OHLHAUSER, TRAVIS MICHAEL Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	12/4/2012 MORTON COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 15 YRS, 12 YRS SUSP, 6 YRS SUPV PROB
OLAFSON, ANDREW JAMES Status: REGISTERED INCARCERATED Risk Level: UNDETERMINED LIFETIME OFFENDER Aliases: PIMPIN, ANDY	STATE PENITENTIARY 3100 RAILROAD AVENUE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 7/12/2013	6/28/2004 WALSH COUNTY JUVENILE COURT , ND INDECENT EXPOSURE PROBATION
OLSON, TIMOTHY JAMES Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 12/10/2012	7/21/2009 GRAND FORKS COUNTY DISTRICT COURT , ND CONTINUOUS SEXUAL ABUSE OF CHILD 60 YRS, 30 YRS SUSP~ 10 YRS SUPV PROB

ROSALES, MIGUEL Status: REGISTERED Risk Level: LOW Expiration Date: 5/24/2016	1205 S HIGHLAND ACRES RD BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 3/18/2013	4/1/2000 BURLEIGH COUNTY DISTRICT COURT , ND SEXUAL ABUSE OF WARD CT 1: 1 YR 3 MOS SUSP~ CT 2-7: 1 YR ALL SUSP
ROSE, ANDREW CHARLES Status: REGISTERED Risk Level: HIGH LIFETIME OFFENDER	3706 JERICHO RD BISMARCK, ND 58503 BURLEIGH COUNTY Last Verified Date: 3/13/2013	7/27/2007 BURLEIGH COUNTY DISTRICT COURT , ND CORRUPT/SOLICITATION OF MINOR 2 YRS, 2 YRS SUSP~ 5 YRS SUPV PROB
ROSEWAREN, SHAUN ALEXANDER Status: REGISTERED INCARCERATED Risk Level: UNDETERMINED Expiration Date: 5/24/2019 Aliases: ROSENWARREN, SHAUWN ALEXANDER	MISSOURI RIVER CORRECTIONAL CENTER 1800 48TH AVE SW BISMARCK, ND 58504 BURLEIGH COUNTY Last Verified Date: 5/28/2013	5/24/2004 NELSON COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 365 DYS, 202 DYS SUSP
RUNNINGBEAR, VIRGIL JOSEPH JR Status: REGISTERED Risk Level: LOW Expiration Date: 9/29/2025 Aliases: RUNNINBEAR, VIRGIL JOSEPH RUNNING BEAR, VIRGIL JOSEPH JR	2406 E THAYER AVE LOT 13 BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 4/16/2013	10/31/2005 US FEDERAL COURT , ND SEXUAL ABUSE 78 MOS~ 2 YRS SUPV PROB
SAMBURSKY, PAUL Status: INCARCERATED Risk Level: UNDETERMINED LIFETIME OFFENDER Aliases: MILLER, PAUL JOSEPH SAMBORSKY, PAUL JOSEPH SAMBURSHY, PAUL JOSEPH	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 4/1/2013	1/13/2004 GRAND FORKS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 10 YRS, 6 YRS SUSP, 4 YRS SUPV PROB 1/13/2004 GRAND FORKS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 20 YRS, 10 YRS SUSP, 15 YRS SUPV PROB 1/13/2004 GRAND FORKS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 20 YRS, 13 YRS SUSP, 7 YRS SUPV PROB 1/13/2004 GRAND FORKS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 10 YRS, 7 YRS SUSP, 3 YRS SUPV PROB 1/13/2004 GRAND FORKS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 20 YRS, 14 YRS SUSP, 6 YRS SUPV PROB 1/13/2004 GRAND FORKS COUNTY DISTRICT COURT , ND DISORDERLY CONDUCT 30 DYS
SANGARIE, IBRAHIM Status: REGISTERED Risk Level: LOW Expiration Date: 12/23/2024	415 MEMORIAL HWY #2 BISMARCK, ND 58504 BURLEIGH COUNTY Last Verified Date: 7/3/2013	12/26/2007 CASS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 13 YRS, 10 YRS SUSP~ 10 YRS SUPV PROB
SASS, JOSHUA WILLIAM Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	STATE PENITENTIARY 3100 RAILROAD AVENUE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 12/13/2012	4/20/2011 MCLEAN COUNTY DISTRICT COURT , ND SEXUAL IMPOSITION 10 YRS 5 YRS SUSP~ 5 YRS SUPV PROB
SCARBERRY, JACOB ELEE Status: REGISTERED Risk Level: HIGH LIFETIME OFFENDER	RUTH MEIERS HOSPITALITY HOUSE 305 N 23RD ST BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 10/2/2013	4/30/2007 CLERMONT COUNTY MUNICIPAL COURT , OH UNLAWFUL SEXUAL CONDUCT WITH MINOR 180 DYS~ 120 DYS SUSP
SCHAEFER, DUANE ERIC Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	8/25/2008 CASS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION LIFE W/ POSSIBILITY OF PAROLE~ LIFE SUPV PROB
SCHILLER, BRIAN CRAIG Status: REGISTERED Risk Level: LOW LIFETIME OFFENDER	RUTH MEIERS HOSPITALITY HOUSE 305 N 23RD ST BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	4/17/2007 BARNES COUNTY DISTRICT COURT , ND TERRORIZING 13 MOS, 7 MOS SUSP~ 2 YRS SUPV PROB 12/21/1992 BARNES COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 40 MOS, 30 MOS SUSP~ SUPV PROB

SYVERTSON, CHARLES EDWARD Status: INCARCERATED Risk Level: UNDETERMINED LIFETIME OFFENDER	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	8/12/1998 CASS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION CNT 1, 12 YRS~ CNT 2, 10 YRS~ CNT 3, 10 YRS 4/7/1998 CASS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION CNT 1 15 YRS~ CNT 2 15 YRS
TERNES, BENJAMIN THOMAS Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	1/31/2012 BURLEIGH COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 20 YRS, 15 YRS SUSP, 298 DYS CRED, 5 YRS SUPV PROB
THOMPSON, JOSEPH WAYNE Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	12/7/2012 WARD COUNTY DISTRICT COURT , ND LURING MINOR BY COMPUTER 10 YRS, 7 YRS SUSP, 192 DYS CRED~ 5 YRS SUPV PROB
THOMPSON, BYRON LEE Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 12/10/2012	9/21/2006 GRAND FORKS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 15 YRS, 5 YRS SUSP~ 5 YRS SUPV PROB
THORNE, RONALD EUGENE Status: REGISTERED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	RUTH MEIERS 1800 BROADWAY BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	1/22/2003 SANGAMON DISTRICT COURT , IL CRIMINAL SEXUAL ABUSE UNKNOWN
TIBOR, ARTHUR JAMES Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED Aliases: TIBOR, ART JAMES	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	6/8/2007 WILLIAMS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION CT 1: 15 YRS CONC TO 11/27/06 CONVICTION~ CT 2: 10 YRS, 10 YRS SUSP, 10 YRS SUPV PROB~ CT 3: 10 YRS, 10 YRS SUSP, 11/27/2006 WILLIAMS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION CT 1: 20 YRS, 8 YRS SUSP~ 10 YRS SUPV PROB CT 2: 12 YRS, CONC TO CT 1
TOFTE, JAMES MARVIN Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	3/2/2007 WILLIAMS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION CTS 1-3: 20 YRS, 13 YRS SUSP~ 10 YRS SUPV PROB~ ALL CTS RUN CONC
TORKELSEN, JAMES BRADLEY Status: REGISTERED Risk Level: HIGH LIFETIME OFFENDER Aliases: TORKELSON, JAMES BRADLEY	114 N 3RD ST #421 BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 6/25/2013	8/17/2007 TOWNER COUNTY DISTRICT COURT , ND SEXUAL ASSAULT CNT 1: 5 YRS, 3 YRS SUSP~ 5 YRS SUPV PROB~ CNT 2: 5 YRS 3 YRS SUSP~ 5 YRS SUPV PROB~ CNTS 1 & 2 CONC~ CNT 3: 5 YRS, 4 YRS SUPS~ 5 YRS PROB~ CONS TO CNT 1 & 2
TORKELSON, DARRELL THORWOLD Status: REGISTERED Risk Level: LOW Expiration Date: 9/11/2016	809 N 26TH ST #4 BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 4/11/2013	8/19/1997 TRAILL COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 10 YRS, 5 YRS SUSP 5 YRS
TRIPLETT, ERIC MICHAEL Status: REGISTERED INCARCERATED Risk Level: UNDETERMINED Expiration Date: 2/4/2021	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 2/4/2013	7/24/2003 WARD COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 6 YRS, 3 YRS SUSP FOR 4 YRS
TROWBRIDGE, DONALD GENE Status: INCARCERATED Risk Level: UNDETERMINED LIFETIME OFFENDER	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 8/9/2013	1/14/2002 CASS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 20 YRS W/8 YRS SUSP FOR 5 YRS 12/22/1978 WILLIAMS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 5 YRS DEF IMPOSITION

SCHILY, SAMUEL N Status: REGISTERED Risk Level: LOW Expiration Date: 4/8/2016	115 NORTHWEST DR BISMARCK, ND 58504 BURLEIGH COUNTY Last Verified Date: 2/11/2013	3/12/2001 GRANT COUNTY DISTRICT COURT , ND SOLICITATION OF MINOR⁢ 15 YRS. 30 DYS
SCHLOTTHAUER, JASON LEE Status: REGISTERED Risk Level: MODERATE Expiration Date: 7/14/2033	RUTH MEIERS HOSPITALITY HOUSE 1800 E BROADWAY BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	7/14/2008 GRAND FORKS COUNTY DISTRICT COURT , ND CORRUPT/SOLICITATION OF MINOR 5 YRS, 3 YRS 6 MOS SUSP~ 5 YRS SUPV PROB
SCHMIDT, RICHARD DEAN Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 12/10/2012	11/9/2006 CASS COUNTY DISTRICT COURT , ND SURREPTITIOUS INTRUSION 365 DYS, 185 DYS SUSP~ 1 YR UNSUPV PROB
SCHMIDT, JERRY ROGER Status: REGISTERED Risk Level: HIGH LIFETIME OFFENDER	913 RIVERVIEW APT #8 MEMORIAL HWY TO ZONTA PARK, RIGHT O BISMARCK, ND 58504 BURLEIGH COUNTY Last Verified Date: 5/21/2013	4/4/2007 BURLEIGH COUNTY DISTRICT COURT , ND INDECENT EXPOSURE 1 YR
SCHMIDT, KEVIN ANTHONY Status: REGISTERED Risk Level: LOW Expiration Date: 1/9/2028	412 SUNSET PLACE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 6/10/2013	1/9/2013 BURLEIGH COUNTY DISTRICT COURT , ND LURING A MINOR BY COMPUTER 5 YRS 4 YRS SUSP 3 YRS SUPV PROB 1/9/2013 BURLEIGH COUNTY DISTRICT COURT , ND PROMOTING OBSCENITY TO A MINOR 5 YRS 4 YRS SUSP 3 YRS SUPV PROB CONCURRENT WITH CT 1
SCHOLES, MICHAEL WILLIAM Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	10/23/2007 GRANT COUNTY DISTRICT COURT , ND USE OF A MINOR IN SEXUAL PERFORMANCE CNT 1: 10 YRS~ CNTS 2-4: CONC WITH CNT 1 ALL CNTS CONC TO GSI CNT 1 10/23/2007 GRANT COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 20 YRS, CONC WITH CNT 1 10/23/2007 GRANT COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION CNT 1: 50 YRS~ CNTS 2-4: CONC WITH CNT 1
SCHROEDER, ANDREW MICHAEL Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED Aliases: SCHOEDER, ANDREW	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	10/18/2011 CASS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 10 YRS, 5 YRS SUSP~ 5 YRS SUPV PROB
SEEWALKER, PHILIP JAMES Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED Aliases: BLACKCLOUD, PHILLIP JAMES SEEWALKER, PHILLIP SEEWALKER, PHILLIP AMES SEEWALKER, PHILLIP J SEEWALKER, PHILLIP JAMES	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 12/10/2012	6/16/2010 BURLEIGH COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 20 YRS
SEIBEL, CHAD ALLEN Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED Aliases: WOLF, CHAD ALLEN	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 5/24/2013	9/13/1999 WARD COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 40 YRS, 10 YRS SUSP FOR 5 YRS
SELLS, ANTHONY DESHAWN Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED Aliases: MINGO, EVON MATTHEW	STATE PENITENTIARY 3100 RAILROAD AVENUE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	3/15/2013 CASS COUNTY DISTRICT COURT , ND SEXUAL ASSAULT 5 YRS 4 YRS 116 DAYS SUSP 5 YRS PROB 249 DAYS CREDIT
SELLS, KEVIN Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED Aliases: GRABENBAUER, KEVIN LESLIE	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 5/24/2013	4/14/2010 DUNN COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 20 YRS, 10 YRS SUSP~ 10 YRS SUPV PROB
SHERBURNE ROLLER, ANDREW PHILLIP Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED Aliases: ROLLER, ANDREW PHILLIP	STATE PENITENTIARY 3100 RAILROAD AVENUE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 5/24/2013	10/20/2010 STUTSMAN COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 20 YRS

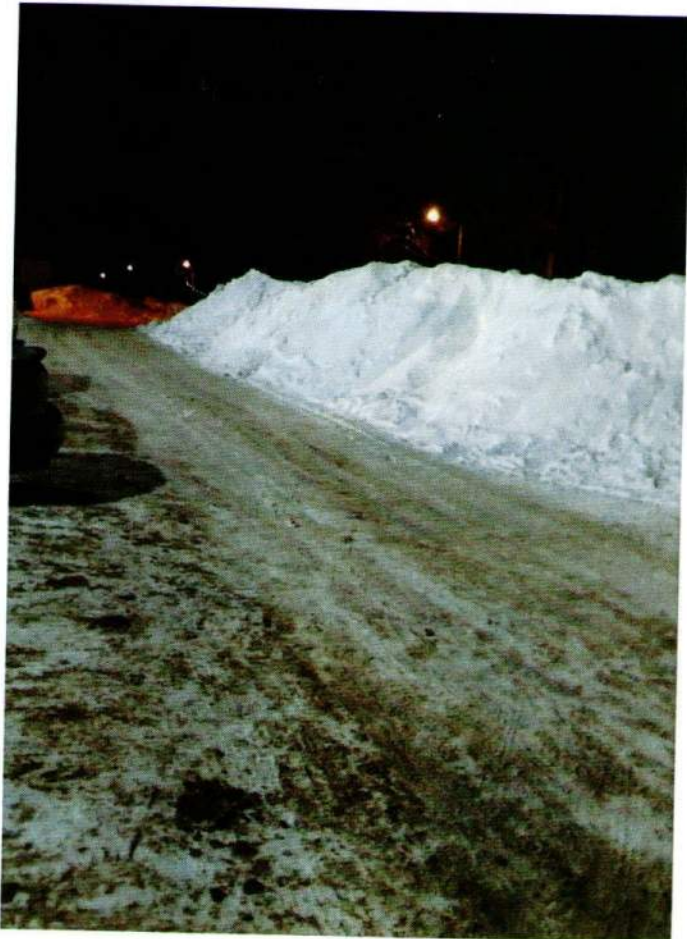
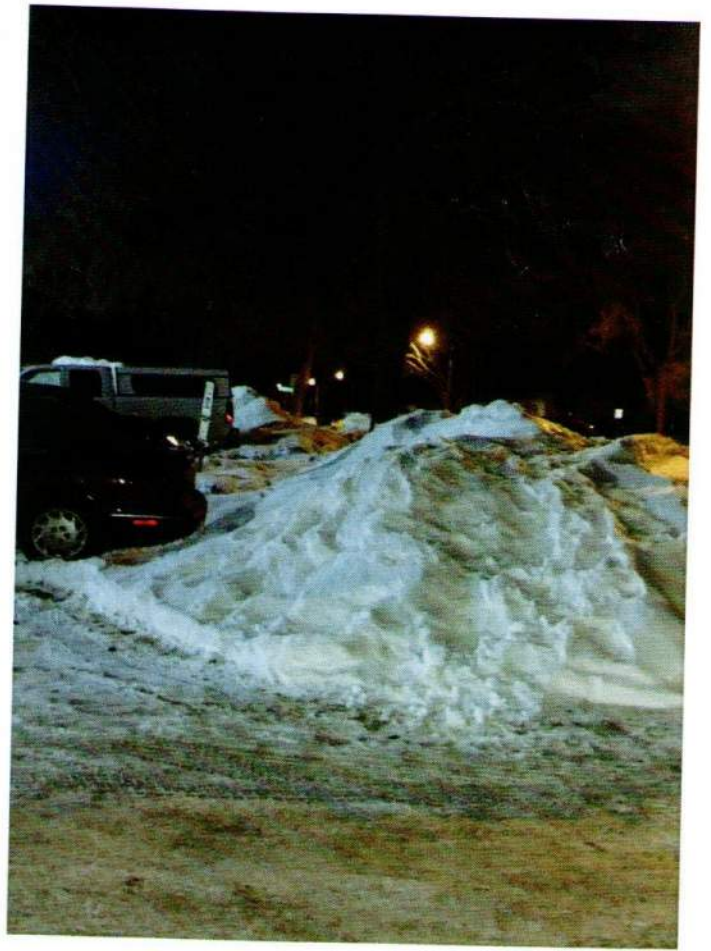
FOWLER, MICHAEL AARON Status: REGISTERED Risk Level: LOW Expiration Date: 7/20/2022	512 SUNSET PL BISMARCK, ND 58504 BURLEIGH COUNTY Last Verified Date: 3/19/2013	7/20/2007 BURLEIGH COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 2 YRS & 45 DYS, TIME SERVED
FREDRICKSON, CHAD EVERETT Status: REGISTERED Risk Level: MODERATE Expiration Date: 1/4/2035 Aliases: FREDRICKSON, FREDDIE	GRANDMAS HOUSE 114 N 3RD ST APT #423 BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	10/26/2005 MCHENRY COUNTY DISTRICT COURT , ND CORRUPTION OF MINOR CT 1: 5 YRS, 5 YRS SUPV PROB~ CT 2: 5 YRS, 5 YRS SUSP
FREY, RANDALL SCOTT Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	ND STATE PEN 3100 RAILROAD AVENUE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	5/24/2013 BURLEIGH COUNTY DISTRICT COURT , ND LURING MINORS BY COMPUTER 5 YRS SUSP 3 YRS 6 MOS PROB 5 YRS CONCURRENT WITH OTHER OFFENSE 5/24/2013 BURLEIGH COUNTY DISTRICT COURT , ND LURING MINORS BY COMPUTER 7 YRS SUSP 5 YRS 6 MOS PROB 5 YRS CREDIT 92 DAYS CONCURRENT WITH OTHER OFFENSE
FREY, LARRY STANLEY Status: REGISTERED Risk Level: LOW Expiration Date: 5/8/2027	GRANDMAS HOUSE 114 N 3RD ST #401 BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 5/8/2013	5/3/2010 MORTON COUNTY DISTRICT COURT , ND POSS OF MATERIAL 5 YRS, 2 YRS SUSP, 5 YRS SUPERV PROB
FROHLICH, ERIC ANTHONY Status: REGISTERED Risk Level: MODERATE Expiration Date: UNDETERMINED	DACOTAH FOUNDATION ARBOR HOUSE 301 W THAYER AVE #5 BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	3/18/2013 BURLEIGH COUNTY DISTRICT COURT , ND CORRUPT/SOLICITATION OF MINOR 1 YR, 1 YR SUSP, 2 YRS SUPV PROB
GAINOUS, LONNIE H Status: REGISTERED INCARCERATED Risk Level: UNDETERMINED Expiration Date: 3/22/2015 Aliases: GAINOUS, LONNIE HOWARD JR	MRCC 1800 48TH AVE SW BISMARCK, ND 58504 BURLEIGH COUNTY Last Verified Date: 6/13/2013	4/13/1998 BURLEIGH COUNTY DISTRICT COURT , ND CORRUPT/SOLICITATION OF MINOR 1 YRS, ALL BUT 90 DYS SUSP
GARDIPEE, ALLEN THOMAS Status: REGISTERED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	RUTH MEIERS HOSPITALITY HOUSE 1800 E BROADWAY AVE BISMARCK, ND 58504 BURLEIGH COUNTY Last Verified Date: 4/29/2013	7/17/2011 UNKNOWN DISTRICT COURT , SEXUAL ASSAULT UNKNOWN
GARDNER, TYRIE GUY Status: REGISTERED Risk Level: MODERATE Expiration Date: 5/21/2038 Aliases: GARDNER, TYRIA GUY	RUTH MEIERS HOSPITALITY HOUSE 1800 E BROADWAY AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	4/26/2012 BURLEIGH COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 15 YRS, 13 YRS SUSP, 5 YRS SUPV PROB
GEORGESON, AARON TRAVIS Status: REGISTERED Risk Level: LOW Expiration Date: 4/7/2020	1429 N 21ST ST #5 BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 5/3/2013	5/21/2003 BURLEIGH COUNTY DISTRICT COURT , ND PROMOTE SEXUAL PERFORMANCE BY MINOR 11 YRS, 2 1/2 YRS SUSP, 5 YRS PROB
GILLETTE, JERORD C Status: REGISTERED Risk Level: MODERATE Expiration Date: 12/29/2029	VINCE & CONNIE GILLETTE 325 E CAPITAL AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 3/25/2013	12/29/2004 BURLEIGH COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 10 YRS, ALL BUT 161 DYS SUSP, 5 YRS SUPV PROB
GILMAN, RANDALL JAY Status: REGISTERED INCARCERATED Risk Level: UNDETERMINED Expiration Date: 6/25/2034 Aliases: GILLMAN, RANDY JAY GILMAN, RANDY JAY	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 4/1/2013	6/25/2009 EMMONS COUNTY DISTRICT COURT , ND THEFT OF PROPERTY UNKNOWN 6/25/2009 EMMONS COUNTY DISTRICT COURT , ND BURGLARY UNKNOWN
GLASS, JASON SCOTT Status: REGISTERED Risk Level: LOW Expiration Date: 8/23/2025 Aliases: GLASS, SCOTT JASON	2513 N 6TH ST BISMARCK, ND 58503 BURLEIGH COUNTY Last Verified Date: 6/24/2013	8/23/2010 BURLEIGH COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 10 YRS, 10 YRS SUSP, 5 YRS SUPV PROB

ROSALLES, MIGUEL Status: REGISTERED Risk Level: LOW Expiration Date: 5/24/2016	1205 S HIGHLAND ACRES RD BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 3/18/2013	4/1/2000 BURLEIGH COUNTY DISTRICT COURT , ND SEXUAL ABUSE OF WARD CT 1: 1 YR 3 MOS SUSP~ CT 2-7: 1 YR ALL SUSP
ROSE, ANDREW CHARLES Status: REGISTERED Risk Level: HIGH LIFETIME OFFENDER	3706 JERICHO RD BISMARCK, ND 58503 BURLEIGH COUNTY Last Verified Date: 3/13/2013	7/27/2007 BURLEIGH COUNTY DISTRICT COURT , ND CORRUPT/SOLICITATION OF MINOR 2 YRS, 2 YRS SUSP~ 5 YRS SUPV PROB
ROSEWARREN, SHAUN ALEXANDER Status: REGISTERED INCARCERATED Risk Level: UNDETERMINED Expiration Date: 5/24/2019 Aliases: ROSENWARREN, SHAUWN ALEXANDER	MISSOURI RIVER CORRECTIONAL CENTER 1800 48TH AVE SW BISMARCK, ND 58504 BURLEIGH COUNTY Last Verified Date: 5/28/2013	5/24/2004 NELSON COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 365 DYS, 202 DYS SUSP
RUNNINGBEAR, VIRGIL JOSEPH JR Status: REGISTERED Risk Level: LOW Expiration Date: 9/29/2025 Aliases: RUNNINBEAR, VIRGIL JOSEPH RUNNING BEAR, VIRGIL JOSEPH JR	2406 E THAYER AVE LOT 13 BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 4/16/2013	10/31/2005 US FEDERAL COURT , ND SEXUAL ABUSE 78 MOS~ 2 YRS SUPV PROB
SAMBURSKY, PAUL Status: INCARCERATED Risk Level: UNDETERMINED LIFETIME OFFENDER Aliases: MILLER, PAUL JOSEPH SAMBORSKY, PAUL JOSEPH SAMBURSHY, PAUL JOSEPH	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 4/1/2013 <i>10 Year Plan to end homelessness</i>	1/13/2004 GRAND FORKS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 10 YRS, 6 YRS SUSP, 4 YRS SUPV PROB 1/13/2004 GRAND FORKS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 20 YRS, 10 YRS SUSP, 15 YRS SUPV PROB 1/13/2004 GRAND FORKS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 20 YRS, 13 YRS SUSP, 7 YRS SUPV PROB 1/13/2004 GRAND FORKS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 10 YRS, 7 YRS SUSP, 3 YRS SUPV PROB 1/13/2004 GRAND FORKS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 20 YRS, 14 YRS SUSP, 6 YRS SUPV PROB 1/13/2004 GRAND FORKS COUNTY DISTRICT COURT , ND DISORDERLY CONDUCT 30 DYS
SANGARIE, IBRAHIM Status: REGISTERED Risk Level: LOW Expiration Date: 12/23/2024	415 MEMORIAL HWY #2 BISMARCK, ND 58504 BURLEIGH COUNTY Last Verified Date: 7/3/2013	12/26/2007 CASS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 13 YRS, 10 YRS SUSP~ 10 YRS SUPV PROB
SASS, JOSHUA WILLIAM Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	STATE PENITENTIARY 3100 RAILROAD AVENUE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 12/13/2012	4/20/2011 MCLEAN COUNTY DISTRICT COURT , ND SEXUAL IMPOSITION 10 YRS 5 YRS SUSP~ 5 YRS SUPV PROB
SCARBERRY, JACOB ELEE Status: REGISTERED Risk Level: HIGH LIFETIME OFFENDER	RUTH MEIERS HOSPITALITY HOUSE 305 N 23RD ST BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 10/2/2013	4/30/2007 CLERMONT COUNTY MUNICIPAL COURT , OH UNLAWFUL SEXUAL CONDUCT WITH MINOR 180 DYS~ 120 DYS SUSP
SCHAEFER, DUANE ERIC Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	8/25/2008 CASS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION LIFE W/ POSSIBILITY OF PAROLE~ LIFE SUPV PROB
SCHILLER, BRIAN CRAIG Status: REGISTERED Risk Level: LOW LIFETIME OFFENDER	RUTH MEIERS HOSPITALITY HOUSE 305 N 23RD ST BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	4/17/2007 BARNES COUNTY DISTRICT COURT , ND TERRORIZING 13 MOS, 7 MOS SUSP~ 2 YRS SUPV PROB 12/21/1992 BARNES COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 40 MOS, 30 MOS SUSP~ SUPV PROB

SYVERTSON, CHARLES EDWARD Status: INCARCERATED Risk Level: UNDETERMINED LIFETIME OFFENDER	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	8/12/1998 CASS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION CNT 1, 12 YRS~ CNT 2, 10 YRS~ CNT 3, 10 YRS 4/7/1998 CASS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION CNT 1 15 YRS~ CNT 2 15 YRS
TERNES, BENJAMIN THOMAS Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	1/31/2012 BURLEIGH COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 20 YRS, 15 YRS SUSP, 298 DYS CRED, 5 YRS SUPV PROB
THOMPSON, JOSEPH WAYNE Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	12/7/2012 WARD COUNTY DISTRICT COURT , ND LURING MINOR BY COMPUTER 10 YRS, 7 YRS SUSP, 192 DYS CRED~ 5 YRS SUPV PROB
THOMPSON, BYRON LEE Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 12/10/2012	9/21/2006 GRAND FORKS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 15 YRS, 5 YRS SUSP~ 5 YRS SUPV PROB
THORNE, RONALD EUGENE Status: REGISTERED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	RUTH MEIERS 1800 BROADWAY BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	1/22/2003 SANGAMON DISTRICT COURT , IL CRIMINAL SEXUAL ABUSE UNKNOWN
TIBOR, ARTHUR JAMES Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED Aliases: TIBOR, ART JAMES	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	6/8/2007 WILLIAMS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION CT 1: 15 YRS CONC TO 11/27/06 CONVICTION~ CT 2: 10 YRS, 10 YRS SUSP, 10 YRS SUPV PROB~ CT 3: 10 YRS, 10 YRS SUSP, 11/27/2006 WILLIAMS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION CT 1: 20 YRS, 8 YRS SUSP~ 10 YRS SUPV PROB CT 2: 12 YRS, CONC TO CT 1
TOFTE, JAMES MARVIN Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	3/2/2007 WILLIAMS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION CTS 1-3: 20 YRS, 13 YRS SUSP~ 10 YRS SUPV PROB~ ALL CTS RUN CONC
TORKELSEN, JAMES BRADLEY Status: REGISTERED Risk Level: HIGH LIFETIME OFFENDER Aliases: TORKELSON, JAMES BRADLEY	114 N 3RD ST #421 BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 6/25/2013	8/17/2007 TOWNER COUNTY DISTRICT COURT , ND SEXUAL ASSAULT CNT 1: 5 YRS, 3 YRS SUSP~ 5 YRS SUPV PROB~ CNT 2: 5 YRS 3 YRS SUSP~ 5 YRS SUPV PROB~ CNTS 1 & 2 CONC~ CNT 3: 5 YRS, 4 YRS SUPS~ 5 YRS PROB~ CONS TO CNT 1 & 2
TORKELSON, DARRELL THORWOLD Status: REGISTERED Risk Level: LOW Expiration Date: 9/11/2016	809 N 26TH ST #4 BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 4/11/2013	8/19/1997 TRAILL COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 10 YRS, 5 YRS SUSP 5 YRS
TRIPLETT, ERIC MICHAEL Status: REGISTERED INCARCERATED Risk Level: UNDETERMINED Expiration Date: 2/4/2021	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 2/4/2013	7/24/2003 WARD COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 6 YRS, 3 YRS SUSP FOR 4 YRS
TROWBRIDGE, DONALD GENE Status: INCARCERATED Risk Level: UNDETERMINED LIFETIME OFFENDER	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 8/9/2013	1/14/2002 CASS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 20 YRS W/8 YRS SUSP FOR 5 YRS 12/22/1978 WILLIAMS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 5 YRS DEF IMPOSITION

SCHILY, SAMUEL N Status: REGISTERED Risk Level: LOW Expiration Date: 4/8/2016	115 NORTHWEST DR BISMARCK, ND 58504 BURLEIGH COUNTY Last Verified Date: 2/11/2013	3/12/2001 GRANT COUNTY DISTRICT COURT , ND SOLICITATION OF MINOR< 15 YRS. 30 DYS
SCHLOTTHAUER, JASON LEE Status: REGISTERED Risk Level: MODERATE Expiration Date: 7/14/2033	RUTH MEIERS HOSPITALITY HOUSE 1800 E BROADWAY BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	7/14/2008 GRAND FORKS COUNTY DISTRICT COURT , ND CORRUPT/SOLICITATION OF MINOR 5 YRS, 3 YRS 6 MOS SUSP~ 5 YRS SUPV PROB
SCHMIDT, RICHARD DEAN Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 12/10/2012	11/9/2006 CASS COUNTY DISTRICT COURT , ND SURREPTITIOUS INTRUSION 365 DYS, 185 DYS SUSP~ 1 YR UNSUPV PROB
SCHMIDT, JERRY ROGER Status: REGISTERED Risk Level: HIGH LIFETIME OFFENDER	913 RIVERVIEW APT #8 MEMORIAL HWY TO ZONTA PARK, RIGHT O BISMARCK, ND 58504 BURLEIGH COUNTY Last Verified Date: 5/21/2013	4/4/2007 BURLEIGH COUNTY DISTRICT COURT , ND INDECENT EXPOSURE 1 YR
SCHMIDT, KEVIN ANTHONY Status: REGISTERED Risk Level: LOW Expiration Date: 1/9/2028	412 SUNSET PLACE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 6/10/2013	1/9/2013 BURLEIGH COUNTY DISTRICT COURT , ND LURING A MINOR BY COMPUTER 5 YRS 4 YRS SUSP 3 YRS SUPV PROB 1/9/2013 BURLEIGH COUNTY DISTRICT COURT , ND PROMOTING OBSCENITY TO A MINOR 5 YRS 4 YRS SUSP 3 YRS SUPV PROB CONCURRENT WITH CT 1
SCHOLES, MICHAEL WILLIAM Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	10/23/2007 GRANT COUNTY DISTRICT COURT , ND USE OF A MINOR IN SEXUAL PERFORMANCE CNT 1: 10 YRS~ CNTS 2-4: CONC WITH CNT 1 ALL CNTS CONC TO GSI CNT 1 10/23/2007 GRANT COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 20 YRS, CONC WITH CNT 1 10/23/2007 GRANT COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION CNT 1: 50 YRS~ CNTS 2-4: CONC WITH CNT 1
SCHROEDER, ANDREW MICHAEL Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED Aliases: SCHOEDER, ANDREW	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	10/18/2011 CASS COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 10 YRS, 5 YRS SUSP~ 5 YRS SUPV PROB
SEEWALKER, PHILIP JAMES Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED Aliases: BLACKCLOUD, PHILLIP JAMES SEEWALKER, PHILLIP SEEWALKER, PHILLIP AMES SEEWALKER, PHILLIP J SEEWALKER, PHILLIP JAMES	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 12/10/2012	6/16/2010 BURLEIGH COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 20 YRS
SEIBEL, CHAD ALLEN Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED Aliases: WOLF, CHAD ALLEN	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 5/24/2013	9/13/1999 WARD COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 40 YRS, 10 YRS SUSP FOR 5 YRS
SELLS, ANTHONY DESHAWN Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED Aliases: MINGO, EVON MATTHEW	STATE PENITENTIARY 3100 RAILROAD AVENUE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	3/15/2013 CASS COUNTY DISTRICT COURT , ND SEXUAL ASSAULT 5 YRS 4 YRS 116 DAYS SUSP 5 YRS PROB 249 DAYS CREDIT
SELLS, KEVIN Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED Aliases: GRABENBAUER, KEVIN LESLIE	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 5/24/2013	4/14/2010 DUNN COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 20 YRS, 10 YRS SUSP~ 10 YRS SUPV PROB
SHERBURNE ROLLER, ANDREW PHILLIP Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED Aliases: ROLLER, ANDREW PHILLIP	STATE PENITENTIARY 3100 RAILROAD AVENUE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 5/24/2013	10/20/2010 STUTSMAN COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 20 YRS

FOWLER, MICHAEL AARON Status: REGISTERED Risk Level: LOW Expiration Date: 7/20/2022	512 SUNSET PL BISMARCK, ND 58504 BURLEIGH COUNTY Last Verified Date: 3/19/2013	7/20/2007 BURLEIGH COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 2 YRS & 45 DYS, TIME SERVED
FREDRICKSON, CHAD EVERETT Status: REGISTERED Risk Level: MODERATE Expiration Date: 1/4/2035 Aliases: FREDRICKSON, FREDDIE	GRANDMAS HOUSE 114 N 3RD ST APT #423 BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	10/26/2005 MCHEMRY COUNTY DISTRICT COURT , ND CORRUPTION OF MINOR CT 1: 5 YRS, 5 YRS SUPV PROB~ CT 2: 5 YRS, 5 YRS SUSP
FREY, RANDALL SCOTT Status: INCARCERATED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	ND STATE PEN 3100 RAILROAD AVENUE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	5/24/2013 BURLEIGH COUNTY DISTRICT COURT , ND LURING MINORS BY COMPUTER 5 YRS SUSP 3 YRS 6 MOS PROB 5 YRS CONCURRENT WITH OTHER OFFENSE 5/24/2013 BURLEIGH COUNTY DISTRICT COURT , ND LURING MINORS BY COMPUTER 7 YRS SUSP 5 YRS 6 MOS PROB 5 YRS CREDIT 92 DAYS CONCURRENT WITH OTHER OFFENSE
FREY, LARRY STANLEY Status: REGISTERED Risk Level: LOW Expiration Date: 5/8/2027	GRANDMAS HOUSE 114 N 3RD ST #401 BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 5/8/2013	5/3/2010 MORTON COUNTY DISTRICT COURT , ND POSS OF MATERIAL 5 YRS, 2 YRS SUSP, 5 YRS SUPERV PROB
FROHLICH, ERIC ANTHONY Status: REGISTERED Risk Level: MODERATE Expiration Date: UNDETERMINED	DACOTAH FOUNDATION ARBOR HOUSE 301 W THAYER AVE #5 BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	3/18/2013 BURLEIGH COUNTY DISTRICT COURT , ND CORRUPT/SOLICITATION OF MINOR 1 YR, 1 YR SUSP, 2 YRS SUPV PROB
GAINOUS, LONNIE H Status: REGISTERED INCARCERATED Risk Level: UNDETERMINED Expiration Date: 3/22/2015 Aliases: GAINOUS, LONNIE HOWARD JR	MRCC 1800 48TH AVE SW BISMARCK, ND 58504 BURLEIGH COUNTY Last Verified Date: 6/13/2013	4/13/1998 BURLEIGH COUNTY DISTRICT COURT , ND CORRUPT/SOLICITATION OF MINOR 1 YRS, ALL BUT 90 DYS SUSP
GARDIPEE, ALLEN THOMAS Status: REGISTERED Risk Level: UNDETERMINED Expiration Date: UNDETERMINED	RUTH MEIERS HOSPITALITY HOUSE 1800 E BROADWAY AVE BISMARCK, ND 58504 BURLEIGH COUNTY Last Verified Date: 4/29/2013	7/17/2011 UNKNOWN DISTRICT COURT , SEXUAL ASSAULT UNKNOWN
GARDNER, TYRIE GUY Status: REGISTERED Risk Level: MODERATE Expiration Date: 5/21/2038 Aliases: GARDNER, TYRIA GUY	RUTH MEIERS HOSPITALITY HOUSE 1800 E BROADWAY AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: N/A	4/26/2012 BURLEIGH COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 15 YRS, 13 YRS SUSP, 5 YRS SUPV PROB
GEORGESON, AARON TRAVIS Status: REGISTERED Risk Level: LOW Expiration Date: 4/7/2020	1429 N 21ST ST #5 BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 5/3/2013	5/21/2003 BURLEIGH COUNTY DISTRICT COURT , ND PROMOTE SEXUAL PERFORMANCE BY MINOR 11 YRS, 2 1/2 YRS SUSP, 5 YRS PROB
GILLETTE, JERORD C Status: REGISTERED Risk Level: MODERATE Expiration Date: 12/29/2029	VINCE & CONNIE GILLETTE 325 E CAPITAL AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 3/25/2013	12/29/2004 BURLEIGH COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 10 YRS, ALL BUT 161 DYS SUSP, 5 YRS SUPV PROB
GILMAN, RANDALL JAY Status: REGISTERED INCARCERATED Risk Level: UNDETERMINED Expiration Date: 6/25/2034 Aliases: GILLMAN, RANDY JAY GILMAN, RANDY JAY	STATE PENITENTIARY 3100 RAILROAD AVE BISMARCK, ND 58501 BURLEIGH COUNTY Last Verified Date: 4/1/2013	6/25/2009 EMMONS COUNTY DISTRICT COURT , ND THEFT OF PROPERTY UNKNOWN 6/25/2009 EMMONS COUNTY DISTRICT COURT , ND BURGLARY UNKNOWN
GLASS, JASON SCOTT Status: REGISTERED Risk Level: LOW Expiration Date: 8/23/2025 Aliases: GLASS, SCOTT JASON	2513 N 6TH ST BISMARCK, ND 58503 BURLEIGH COUNTY Last Verified Date: 6/24/2013	8/23/2010 BURLEIGH COUNTY DISTRICT COURT , ND GROSS SEXUAL IMPOSITION 10 YRS, 10 YRS SUSP, 5 YRS SUPV PROB



1/18/17

Attention Commission:

RECEIVED
JAN 23 2017

Regarding to the Ruth Meiers Asking
for a change in zoning.

We ARE AGAINST this change. First of
all the people in this AREA were against
Ruth Meiers moving into the former
Baptist Home, but the Mayor and the
City Commission did this behind the
people's back and OKAYED it!

The people SAY NO and the Mayor and
the Commission go ahead and do it
anyway. We the people ARE getting tired
of the way things ARE being done!!

Since Ruth Meiers is in the AREA we've had
strangers standing in people's entrances
and garages and also working the doors
in houses to see if they ARE unlocked.

We also don't need downtown project
you want to build. Enough is Enough!!

Lavern Frankfurth

1011 North 9th St. Bismarck, ND. 58501

RECEIVED
JAN 24 2017

1-23-17

Dear Planning and Zoning Commission
I have been a property owner in the
Calkins addition since 1952.

I am opposed to the request of the Ruth
Meiers Hospitality House.

When this property was purchased by the
Ruth Meiers' Home, they know full well
full well of the zoning restrictions.
Yet they purchased it anyway. Next they
asked for a new zoning permit. Now,
they are trying it again.

I have been told they have already
over stepped their zoning restrictions.
They were not up front when they
bought this property.

Since it is ⁱⁿ a residential area

Since it is close to two Elementary Schools

Since it is near the Hillside Park.

Since it is near the Myron Atkinson Park.

Since it is near the Capitol grounds.

I strongly request your Commission to
refuse the zoning request of the Ruth
Meiers Hospitality House.

Sincerely,

Doris Landerholm

P.S. My trust is being tested

From: [Sandra Bogaczyk](#)
To: [Carl Hokenstad](#); [Daniel Nairn](#); [Hilary Balzum](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Planning & Zoning Committee/Commissioners
Date: Tuesday, January 24, 2017 10:12:28 AM

Please pass this along to all committee members & commissioners. Thank you.

Re: Zone change for Ruth Meiers House

Please DO NOT change the zoning for Ruth Meiers House. With a change in zoning, more problems will ultimately arise. It will open the door to more services offered, longer hours, soup kitchen, more traffic on our narrow street, more cars parking along all streets in the area, etc.

We are concerned about the continued and probable increase in traffic, both foot and vehicle. We have lived in and owned our house longer than anyone else in our neighborhood and have never seen the 'unwelcome' changes that we have seen in the last year. We have been in our home for almost 40 years, raised our family and have watched the area grow from a quiet, family friendly neighborhood to an area to be wary of. Our children could always play outside without being afraid of 'scary' people walking not only on the front sidewalks, but also the alley way. I have been woken up throughout the night and in the early morning hours by people yelling outside in heated arguments, using very unsuitable language. Our quiet, friendly neighborhood is changing into strangers walking to and from the Ruth Meiers facility during all hours. We have even noticed remnants of clothing and bedding in the shrubbery along our alley. If the people wandering our neighborhood can't find room at Ruth Meiers, it appears they are staying wherever they find a spot, like our yard or other neighbor's yards. Some people have even been so worried about trespassers that they have spent unnecessary funds to fence their yards.

Please consider that there are many other places in Bismarck that offer services to people in need, but they are not in the middle of an established neighborhood. This is our neighborhood and we have worked hard to take good care of our houses and yards and to ensure each other's safety. We have built and invested our life savings into our homes and are now concerned about a loss of value because of the changes taking place. Take a look at your own home and neighborhood, the time, dreams and money you have put into your life's investment as something you are proud of and ask yourself if you would want this.

Thank you for your consideration.

Laura & Duane Johnson
915 N 11th Street

Charles Hall
915 ½ N 11th Street

From: [Planning - General Mailbox](#)
To: [Carl Hokenstad](#); [Daniel Nairn](#); [Hilary Balzum](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Request of Ruth Meiersfor zoning change
Date: Wednesday, January 25, 2017 1:17:30 PM
Importance: High

Bismarck Planning and Zoning Commission:

My name is Joyce Nelson. I am a very recent property owner and tax payer in Bismarck, ND.

When I purchased a Condo at Capitol View Estates, July 2016, I was assured the Ruth Meier Homeless Shelter zoning had all been settled 3 years previously. By October, 2016, Ruth Meier was requesting a zoning change from residential to commercial. Capitol View Estates is a 55 + secured building, no smoking, no pets. It offers much that is desirable for elderly, retired citizens . Would I have purchased a condo there had Ruth Meier already been zoned commercial? No, nor would other recent owners.

I urge you to consider this zoning change request as you would if it was your back yard. Peace of mind, quality of life, and Property Values would be greatly damaged for me, my neighbors and many property owners in the area.

Respectfully,
Joyce Nelson
Capitol View Estates, #24 JN

From: [Loryn](#)
To: [Planning - General Mailbox](#)
Subject: Zoning Change - Agenda Item # 6 January 25, 2017
Date: Wednesday, January 25, 2017 3:03:00 PM

Dear Bismarck Planning & Zoning Commission,

I am writing today on behalf of my mother, Ella Guthmiller, who resides at 1120 N 12th St. #8, Bismarck ND, in regards to the zoning change hearing this evening, January 25, agenda Item # 6.

My mother is elderly and will be unable to attend the meeting in person but urge you to vote no on the zoning change request before you.

She does not agree that;

The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Or

The land use or mix of land uses are compatible and harmonious with the area in which it is located.

The current use has already adversely effected the area and is not harmonious with the area. She fears this zoning change will only make matters worse.

Sincerely,

p.p. Loryn Mertz

Ella Guthmiller

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 1/2017

*****City*****

*****ETA*****

	1/2017		1/2016		1/2017		1/2016	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	1	\$230,370.00	1	\$129,108.00	0	\$0.00	0	\$0.00
ROWHOUSE (2) 1-HR FIRE SEPARATION	0	\$0.00	8	\$1,456,704.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME EXTRAS	0	\$0.00	1	\$1,800.00	0	\$0.00	0	\$0.00
NON-STRUCTURAL DEVELOPMENT	2	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
CHURCHES & RELIGIOUS	0	\$0.00	1	\$99,622.00	0	\$0.00	0	\$0.00
INDUSTRIAL BUILDINGS	0	\$0.00	4	\$17,000.00	0	\$0.00	0	\$0.00
HOSPITALS & INSTITUTIONAL	0	\$0.00	2	\$85,000.00	0	\$0.00	0	\$0.00
OFFICE; BANK; & PROFESSIONAL BUILDINGS	1	\$70,565.00	1	\$90,000.00	0	\$0.00	0	\$0.00
RETAIL SALES	0	\$0.00	1	\$42,600.00	0	\$0.00	0	\$0.00
OTHER NEW	1	\$79,000.00	0	\$0.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	2	\$82,841.00	1	\$23,253.75	0	\$0.00	0	\$0.00
DECKS PORCHES & COVERED PATIOS	3	\$13,020.00	5	\$16,560.00	0	\$0.00	0	\$0.00
OTHER	5	\$286,300.00	5	\$142,647.00	1	\$2,500.00	1	\$3,600.00
HOME OCCUPATION	3	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BASEMENT FINISH	13	\$51,067.25	21	\$106,054.25	6	\$41,714.50	3	\$19,097.85
COMMERCIAL BUILDINGS	20	\$1,279,150.00	16	\$1,995,200.00	0	\$0.00	0	\$0.00
OFFICE BUILDINGS	0	\$0.00	1	\$7,500.00	0	\$0.00	0	\$0.00
RESIDENTIAL	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	5	\$56,669.87	14	\$198,022.02	0	\$0.00	0	\$0.00

**PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 1/2017**

*****City*****

*****ETA*****

	1/2017		1/2016		1/2017		1/2016	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SIGN ALTERATION	0	\$0.00	2	\$19,564.46	0	\$0.00	0	\$0.00
Total	58	\$2,148,983.12	88	\$4,430,635.48	7	\$44,214.50	4	\$22,697.85

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 1/2017

*****City*****

*****ETA*****

	1/2017		1/2016		1/2017		1/2016	
Trade Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	76	\$2,600.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC ALTERATION	0	\$0.00	89	\$51,410.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	0	\$0.00	37	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	0	\$0.00	14	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	0	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ELEVATOR	0	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL HVAC APPLIANCE	0	\$0.00	6	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL MOBILE HOME	4	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	0	\$0.00	37	\$259,945.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	104	\$612,819.11	0	\$0.00	15	\$189,292.28	0	\$0.00
BUILDING MECHANICAL ALTERATION	0	\$0.00	7	\$231,500.00	0	\$0.00	1	\$1,200.00
BUILDING MECHANICAL FIREPLACE	0	\$0.00	16	\$50,386.00	0	\$0.00	5	\$16,500.00
BUILDING MECHANICAL HVAC APPLIANCE	0	\$0.00	40	\$266,478.20	0	\$0.00	2	\$30,940.00
BUILDING MECHANICAL NEW CONSTRUCTION	0	\$0.00	79	\$3,791,342.00	0	\$0.00	5	\$864,190.00
BUILDING MECHANICAL WATER HEATER	0	\$0.00	40	\$42,966.00	0	\$0.00	4	\$5,943.00
BUILDING PLUMBING	18	\$797,738.00	55	\$1,718,677.55	0	\$0.00	3	\$23,933.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	0	\$0.00	1	\$0.00
BUILDING SEPTIC EVALUATION	0	\$0.00	0	\$0.00	0	\$0.00	1	\$0.00
Total	202	\$1,413,157.11	427	\$6,412,704.75	15	\$189,292.28	22	\$942,706.00

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 1/2017

	*****City*****		*****ETA*****	
	1/2017	1/2016	1/2017	1/2016
Living Units	Units	Units	Units	Units
OTHER NEW	0	0	0	0
MANUFACTURED HOMES	1	1	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	0	8	0	0
SINGLE FAMILY DETACHED	1	1	0	0
Total	2	10	0	0

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 1/2017

*****City*****

*****ETA*****

	1/2017		1/2016		1/2017		1/2016	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	1	\$230,370.00	1	\$129,108.00	0	\$0.00	0	\$0.00
ROWHOUSE (2) 1-HR FIRE SEPARATION	0	\$0.00	8	\$1,456,704.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME EXTRAS	0	\$0.00	1	\$1,800.00	0	\$0.00	0	\$0.00
NON-STRUCTURAL DEVELOPMENT	2	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
CHURCHES & RELIGIOUS	0	\$0.00	1	\$99,622.00	0	\$0.00	0	\$0.00
INDUSTRIAL BUILDINGS	0	\$0.00	4	\$17,000.00	0	\$0.00	0	\$0.00
HOSPITALS & INSTITUTIONAL	0	\$0.00	2	\$85,000.00	0	\$0.00	0	\$0.00
OFFICE; BANK; & PROFESSIONAL BUILDINGS	1	\$70,565.00	1	\$90,000.00	0	\$0.00	0	\$0.00
RETAIL SALES	0	\$0.00	1	\$42,600.00	0	\$0.00	0	\$0.00
OTHER NEW	1	\$79,000.00	0	\$0.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	2	\$82,841.00	1	\$23,253.75	0	\$0.00	0	\$0.00
DECKS PORCHES & COVERED PATIOS	3	\$13,020.00	5	\$16,560.00	0	\$0.00	0	\$0.00
OTHER	5	\$286,300.00	5	\$142,647.00	1	\$2,500.00	1	\$3,600.00
HOME OCCUPATION	3	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BASEMENT FINISH	13	\$51,067.25	21	\$106,054.25	6	\$41,714.50	3	\$19,097.85
COMMERCIAL BUILDINGS	20	\$1,279,150.00	16	\$1,995,200.00	0	\$0.00	0	\$0.00
OFFICE BUILDINGS	0	\$0.00	1	\$7,500.00	0	\$0.00	0	\$0.00
RESIDENTIAL	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	5	\$56,669.87	14	\$198,022.02	0	\$0.00	0	\$0.00

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 1/2017**

*****City*****

*****ETA*****

	1/2017		1/2016			1/2017		1/2016	
Census Code	Permits	Valuations	Permits	Valuations		Permits	Valuations	Permits	Valuations
SIGN ALTERATION	0	\$0.00	2	\$19,564.46		0	\$0.00	0	\$0.00
Total	58	\$2,148,983.12	88	\$4,430,635.48		7	\$44,214.50	4	\$22,697.85

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 1/2017

*****City*****

*****ETA*****

	1/2017		1/2016		1/2017		1/2016	
Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	76	\$2,600.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC ALTERATION	0	\$0.00	89	\$51,410.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	0	\$0.00	37	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	0	\$0.00	14	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	0	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ELEVATOR	0	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL HVAC APPLIANCE	0	\$0.00	6	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	0	\$0.00	37	\$259,945.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	104	\$612,819.11	0	\$0.00	15	\$189,292.28	0	\$0.00
BUILDING MECHANICAL ALTERATION	0	\$0.00	7	\$231,500.00	0	\$0.00	1	\$1,200.00
BUILDING MECHANICAL FIREPLACE	0	\$0.00	16	\$50,386.00	0	\$0.00	5	\$16,500.00
BUILDING MECHANICAL HVAC APPLIANCE	0	\$0.00	40	\$266,478.20	0	\$0.00	2	\$30,940.00
BUILDING MECHANICAL NEW CONSTRUCTION	0	\$0.00	79	\$3,791,342.00	0	\$0.00	5	\$864,190.00
BUILDING MECHANICAL WATER HEATER	0	\$0.00	40	\$42,966.00	0	\$0.00	4	\$5,943.00
BUILDING PLUMBING	18	\$797,738.00	55	\$1,718,677.55	0	\$0.00	3	\$23,933.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	0	\$0.00	1	\$0.00
BUILDING SEPTIC EVALUATION	0	\$0.00	0	\$0.00	0	\$0.00	1	\$0.00
Total	198	\$1,413,157.11	427	\$6,412,704.75	15	\$189,292.28	22	\$942,706.00

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 1/2017**

*****City*****

*****ETA*****

	1/2017	1/2016	1/2017	1/2016
Living Units	Units	Units	Units	Units
OTHER NEW	0	0	0	0
MANUFACTURED HOMES	1	1	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	0	8	0	0
SINGLE FAMILY DETACHED	1	1	0	0
Total	2	10	0	0

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 12/2016

*****City*****

*****ETA*****

	12/2016		12/2015		12/2016		12/2015	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	211	\$43,408,527.40	232	\$44,486,395.54	33	\$8,640,404.83	69	\$15,381,004.20
ROWHOUSE (2) 1-HR FIRE SEPARATION	127	\$19,588,138.50	70	\$10,230,381.45	0	\$0.00	0	\$0.00
ROWHOUSE	6	\$576,000.00	0	\$0.00	0	\$0.00	0	\$0.00
2-UNIT DUPLEX OR CONDO	6	\$1,050,342.00	3	\$208,660.50	0	\$0.00	0	\$0.00
FIVE OR MORE FAMILY	2	\$8,036,000.00	14	\$23,876,475.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	55	\$0.00	61	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME	1	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME EXTRAS	1	\$1,800.00	0	\$0.00	0	\$0.00	0	\$0.00
MOTELS	0	\$0.00	1	\$24,000.00	0	\$0.00	0	\$0.00
NON-STRUCTURAL DEVELOPMENT	4	\$110,000.00	28	\$2,384,603.00	0	\$0.00	1	\$0.00
AMUSEMENT & RECREATION	1	\$125,750.00	1	\$249,353.40	0	\$0.00	0	\$0.00
CHURCHES & RELIGIOUS	1	\$99,622.00	2	\$53,513.00	0	\$0.00	0	\$0.00
INDUSTRIAL BUILDINGS	17	\$3,378,830.00	114	\$48,115,941.40	0	\$0.00	7	\$3,730,064.73
HOSPITALS & INSTITUTIONAL	4	\$155,000.00	7	\$29,897,091.63	0	\$0.00	0	\$0.00
OFFICE; BANK; & PROFESSIONAL BUILDINGS	5	\$3,280,139.00	12	\$12,596,008.00	0	\$0.00	1	\$182,500.00
SCHOOLS & EDUCATIONAL	2	\$3,265,847.00	4	\$6,210,343.00	1	\$18,000,000.00	5	\$18,229,745.00
RETAIL SALES	5	\$2,488,600.00	3	\$4,880,140.00	0	\$0.00	0	\$0.00
OTHER NEW	4	\$427,120.70	61	\$1,975,895.85	0	\$0.00	3	\$355,055.00
PUBLIC BUILDINGS	0	\$0.00	1	\$41,664,400.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	27	\$999,318.00	21	\$694,900.64	22	\$769,453.75	13	\$921,254.45
RESIDENTIAL GARAGES	71	\$780,040.02	90	\$726,582.00	76	\$1,616,884.00	65	\$1,640,528.00
DECKS PORCHES & COVERED PATIOS	217	\$729,023.52	175	\$538,129.50	32	\$120,750.00	57	\$158,205.00
SWIMMING POOLS & SPAS	9	\$586,969.70	10	\$525,550.00	6	\$332,274.00	3	\$186,000.00

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 12/2016**

*****City*****

*****ETA*****

	12/2016		12/2015		12/2016		12/2015	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
OTHER	69	\$1,772,032.98	67	\$3,114,165.59	8	\$219,100.00	6	\$350,206.00
HOME OCCUPATION	7	\$0.00	9	\$0.00	1	\$0.00	1	\$0.00
STORAGE SHEDS	21	\$61,898.00	13	\$26,771.50	9	\$73,080.00	2	\$1,000.00
BASEMENT FINISH	144	\$698,825.25	145	\$729,845.87	39	\$212,783.85	47	\$258,735.03
COMMERCIAL BUILDINGS	198	\$94,686,633.00	125	\$79,379,375.05	23	\$18,584,150.00	6	\$2,016,600.00
OFFICE BUILDINGS	1	\$7,500.00	10	\$1,527,055.00	0	\$0.00	0	\$0.00
OTHER ADDITIONS	0	\$0.00	14	\$2,023,188.00	0	\$0.00	3	\$275,000.00
PUBLIC BUILDING	0	\$0.00	4	\$134,000.00	0	\$0.00	0	\$0.00
MULTI-FAMILY TO SINGLE-FAMILY	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL	4	\$0.00	3	\$0.00	0	\$0.00	1	\$0.00
COMMERCIAL	7	\$0.00	5	\$0.00	0	\$0.00	0	\$0.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	16	\$0.00	18	\$0.00
NURSERY STOCK SALES	5	\$0.00	5	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	17	\$0.00	10	\$0.00	0	\$0.00	1	\$0.00
NEW SIGN PERMITS	121	\$1,569,197.38	118	\$1,616,086.73	0	\$0.00	1	\$2,400.00
SIGN ALTERATION	11	\$128,349.04	6	\$85,711.00	0	\$0.00	0	\$0.00
Total	1382	\$188,011,503.49	1447	\$317,974,562.65	266	\$48,568,880.43	310	\$43,688,297.41

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 12/2016

*****City*****

*****ETA*****

	12/2016		12/2015		12/2016		12/2015	
Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	273	\$10,020.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC ALTERATION	485	\$661,651.00	478	\$111,665.00	0	\$0.00	1	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	288	\$7,000.00	429	\$406,240.00	0	\$0.00	1	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	177	\$35.00	191	\$62,290.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	22	\$0.00	27	\$2,560.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ELEVATOR	15	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL HVAC APPLIANCE	15	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	113	\$276,870.00	150	\$233,865.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL OTHER	0	\$0.00	21	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL POOL	6	\$0.00	7	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL SIGN	1	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	309	\$4,820,348.17	0	\$0.00	52	\$301,299.00	0	\$0.00
BUILDING MECHANICAL ALTERATION	100	\$899,998.00	138	\$3,258,234.00	24	\$3,592,829.00	26	\$94,660.00
BUILDING MECHANICAL FIREPLACE	110	\$355,368.00	167	\$671,176.00	18	\$67,300.00	31	\$133,911.00
BUILDING MECHANICAL HVAC APPLIANCE	299	\$1,843,824.84	159	\$992,094.00	32	\$236,253.00	20	\$135,464.00
BUILDING MECHANICAL NEW CONSTRUCTION	404	\$14,051,026.55	552	\$22,582,114.05	51	\$1,923,695.00	80	\$1,797,579.00
BUILDING MECHANICAL OTHER	2	\$2,453.00	16	\$228,184.00	0	\$0.00	1	\$10,450.00
BUILDING MECHANICAL WATER HEATER	229	\$338,640.69	234	\$326,022.80	19	\$31,599.00	31	\$40,184.03
BUILDING PLUMBING	577	\$13,610,213.53	603	\$17,390,691.27	67	\$1,146,377.11	105	\$1,797,513.00
BUILDING SEPTIC	1	\$0.00	0	\$0.00	50	\$0.00	102	\$0.00

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 12/2016**

*****City*****

*****ETA*****

Permit Type	12/2016		12/2015		12/2016		12/2015	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING SEPTIC EVALUATION	0	\$0.00	0	\$0.00	1	\$0.00	0	\$0.00
Total	3426	\$36,877,448.78	3179	\$46,265,136.12	314	\$7,299,352.11	398	\$4,009,761.03

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 12/2016**

*****City*****

*****ETA*****

	12/2016	12/2015	12/2016	12/2015
Living Units	Units	Units	Units	Units
MOTELS	0	0	0	0
OTHER NEW	0	0	0	0
FIVE OR MORE FAMILY	78	291	0	0
OTHER NEW	0	0	0	0
ROWHOUSE	6	0	0	0
MANUFACTURED HOMES	53	11	0	0
2-UNIT DUPLEX OR CONDO	12	4	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	127	69	0	0
SINGLE FAMILY DETACHED	211	231	33	65
Total	487	606	33	65